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SPEECH  
ON THE  
MANITOBA SCHOOL QUESTION  
BY  
HON. GEORGE E. FOSTER  
MINISTER OF FINANCE.

DELIVERED IN THE HOUSE OF COMMONS, MARCH 13TH, 1896.

(HANSARD REVISED)

Mr. FOSTER.—I venture to ask the House for its consideration for a few moments of some remarks, even at this late stage in the discussion of a pretty thoroughly discussed subject, even at the risk of repeating and reviewing arguments and facts which probably have not the merit of complete novelty to the members present. I think I shall commence my remarks by being a little unorthodox, and that may be pleasant to my hon. friend (Sir Richard Cartwright) who sits just opposite to me. The remark I shall commence with is this—that I am not of the opinion that the question at present before the House is either the most important or the most difficult question that has engaged the attention of this Parliament from confederation up to the present time. My view is that the question, intrinsically, is a plain and simple one, and that the great difficulty which surrounds it, and the importance which attaches to it at the present time is due rather to the complication with it of side issues, which, in a legitimate sense, do not belong to the question at all. And before I proceed to a discussion of the question proper, I wish to eliminate these, and to make a few remarks upon each.

**Not a Question of Provincial Rights.**

The first of these questions which is brought up in connection with the case properly before the House is that of provincial rights. The assertion is made in this House, and in the country as well, that for the Dominion Parliament to attempt to legislate on this subject is to interfere with and invade provincial rights. I beg to state my humble opinion that it cannot be fairly maintained either in this House or in the country, looking to the distribution of powers by the Confederation Act where the jurisdiction is plain and unequivocal, that for this Parliament to exercise its powers, to exercise its jurisdiction is to interfere with any rights that belong to the province in question, at this time, or of any other province, if this question touching any other province, were to come up. This side issue has taken the popular form of a cry, "Hands off Manitoba." In reality it seems to me the proper opinion, that contemplated by the constitution, that carried out by the practice of this country up to the present time is not embodied in that cry, but would be better expressed in the statement that the majority of Manitoba should have kept "hands off" the privileges of a majority, which privileges were given under the constitution, and were supposed to be secured to them by the constitution.

**Not a Question of Separate Schools.**

Another side issue that is brought up is the question of separate schools, and men range themselves in opposition to remedial legislation, be it as it may, forsooth, they do not believe in the principle of separate schools. Sir, the question whether separate schools should, or should not, be established is one which might well have

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been debated in 1863 when that system was adopted for the province of Ontario; it is one which might well have been debated upon principle in 1867 and 1870 when these schools were being perpetuated under the Confederation Acts. But it is not a principle which is at stake to-day in the least degree; and, for my own part, I believe that I have no right to take my preference on that principle into consideration in the least on this occasion, but that I am now called upon to deal with the question of a clause of the constitution, and a case which arises out of it, in which that principle was settled once and for all in regard to the minority's right by the fathers of confederation, and embodied in the constitution itself.

### Not a Crusade for Extension of Separate Schools.

It is also stated as a side argument, but which influences some people in this House, and is meant to influence more people outside this House, that this is but the first step in a separate school crusade, and that if this legislation takes place for the province of Manitoba, upon that result will be built an aggressive campaign for the adoption of separate schools in the other provinces. That was expressed by my hon. friend from West York (Mr. Wallace); that was also given voice to by my hon. friend from Grey (Mr. Sproule) who made, I think, a somewhat important and a somewhat very unwise assertion; and I call it to his mind now, in the interest of fair and just debate. I find that in his address to this House, as printed in the "Hansard," he made this statement, after advancing the argument that this was but the first step in a crusade for the pressing of separate schools upon the North-west, and then upon the other provinces:

"The School Bill passed in the North-west assembly has been held in abeyance, and has not yet received the assent of the Dominion Government. Why is it held in abeyance? Because the clergy do not approve of it."

I ask my hon. friend now to give to this House the ground for his assertion as there made.

Mr. SPROULE.—The ground of my assertion is a reply made by Archbishop Langevin at, I think, either Prince Albert or Edmonton, saying that it was not acceptable, and that the same principle was at stake there as here.

Mr. FOSTER.—Then I wish to tell my hon. friend that he never should have made a statement of that kind. The fact that Archbishop Langevin said in the North-west that a school ordinance was not acceptable to the clergy may be a fact; that this ordinance was not assented to by the Lieutenant-Governor may be a fact; but when my hon. friend puts those two facts together as cause and sequence, I wish to tell him that he is not warranted in doing so by any rule of logic, and I wish to tell him more, that there is not the first scintilla of truth in his statement.

Mr. SPROULE.—The report of his speech must be all wrong then.

Mr. FOSTER.—The report of whose speech?

Mr. SPROULE.—Archb shon Langevin's.

Mr. FOSTER.—Who made that speech? It is well to ask whether the speech if made by Archbishop Langevin bears out the charge of the hon. gentleman.

Mr. SPROULE.—It was reported to be made by Archbishop Langevin.

Mr. FOSTER.—If made by Archbishop Langevin or if made by ten thousand archbishops, the hon. gentleman would yet have no ground in logic or in truth for making the assertion he made here the other day, which was, not that Archbishop Langevin did not agree with the ordinance, but that the Government held it in abeyance because the clergy did not approve of it. This assertion, carried as broadly as newspapers will carry his speech was meant, and will have the effect of raising prejudice and opposition to this legislation amongst the Protestant people of this country, and fan those fires which my hon. friends there and my hon. friends here so much desire.

Mr. SPROULE.—If the speech was not correct, why was it not contradicted?

Mr. BERGERON.—There were so many lies said about him, that he could not contradict them all.

### Not a Question of Catholic vs. Protestant.

Mr. FOSTER.—Another question was brought up, both incidentally and directly in this House, by my hon. friend from West York, and caught up in the country, and I am sorry to say, is used by a great many respectable papers of the country, and that is that this Bill as it is presented to Parliament, is but another phase of the old strife and the old war between creeds. I refuse to look upon this question in that light in the least degree. This is not a question of Catholics and Protestants, it is a simple question of the right of minorities, some of those minorities being Protestant and some of them being Catholic. I am sorry that men in this House, and men outside of the House, cannot approach a simple question of fact of that kind without importing into it the spirit of that discussion which raged with virulence in past years, but which we were hoping, in these more advanced years, would find less food for its sustenance, and less scope for its work.



### Not a Question of Party.

This question is also complicated by the strife of partisanship, and I am not saying that parties on both sides have not contributed to the difficulties of settling this question. I have no hesitation in saying that 100 or 200 sensible men brought together free from these side issues and prejudices and partisanship, meeting together and taking up this question, thoroughly and judicially considering it, would come to a conclusion in a very short time as to the rights of the question, and would settle it as it ought to be settled, and as I believe it will yet be settled.

### The Simple Question.

So I say that what we ought to do in a discussion of this kind, having the responsibility of members of Parliament, is to brush aside all side questions of interference with provincial rights, the suggestion of its being a first step in a crusade for the establishment of separate schools in other provinces, the suggestion of its being a decision to be made on the merits of separate schools or otherwise, or the side issue that this is a question which should marshal the old strife between Protestant and Catholic. I say that we ought to brush aside partisanship as well; that we ought to come down to the discussion and settlement of this question as it arises under the constitution, and as it affects the rights of minorities which were legislated for under that constitution. It seems to me, Sir, that there are but three points of view from which it would be possible to discuss a question of this kind. One is to take up the question *de novo*, and I think we are precluded from doing that, because it was discussed before, and as a result of that discussion it has been embodied in two compacts which now have force in this country, the confederation compact and the Manitoba compact. Or we could take it up as a question which has come to us under a constitution which is binding, but in which constitution this is an unwise provision. If we look upon it in that light, it seems to me that we ought not to deprive a minority of its rights under that constitution, which is binding, because we think one of its provisions is unwise; but we should go to the constitution itself, and discuss and settle the question as to whether it is better, in the light of thirty years' experience that has been shed upon it, and that that constitution should be revised. The third point of view, and which seems to me to be the only practical point of view, is to discuss it in the light of a clause in the constitution which is binding, and which, taking all the circumstances of this country into account, is not only binding, but is a wise provision of the constitution as well.

### The Principles of Good Faith and Toleration.

Now, Sir, with these preliminary remarks, I wish to proceed a little nearer to the discussion of this question, and in doing that, let me premise one thing. I believe every member in this House will agree with me when I say that good faith is an absolutely essential condition of social, commercial, political and national life the wide world over. The forms of law, the contracts between individuals, the agreements between parties, the treaties which bind nations together, are after all, simply the partial and fragmentary embodiment of that principle of good faith which, the wide world through, forms the effective and the absolutely necessary basis of social and commercial and national progress and advancement. Sir, this principle of good faith is magnified in the case of a nation which is composed of different classes, different creeds and different races; and it becomes more sacred when it has effect as a principle in the transactions of nations with nations, and is raised, as you may say, up to an international plane. Along with that element of good faith there is the accompanying principle or element of a broad and generous toleration, which must have place in social life, which must have place in every phase of life, and without which the work of the world and the progress of the world would be poor and meagre indeed. These two principles of good faith and a broad and generous toleration are principles which have nowhere been more strongly illustrated than in the growth, in the progress and in the present condition of the greatest empire in the world, I mean the British Empire. Great Britain is a nation which has been distinguished by the tenacity with which she held to every compact and every agreement. She has been distinguished no less by that spirit of generous and broad toleration with which she has treated every religion, every class of nationality which form the components of her great Empire. Now, Sir, these two principles of good faith and toleration are the very principles which underlie our constitution, and especially those clauses of the constitution under which the present question arises, and which have to do with the educational rights of minorities in the different provinces of the Dominion.

### Is there a Compact?

The first question, then, for me to solve when I approach the consideration of this subject is this: Is there any compact or agreement arrived at in this country and embodied in the constitution under which we live which has first to be con-



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sidered before we can give our decision upon this question? The answer is plain and definite. There is a compact in the constitution of confederation; there is a second compact in the constitution of Manitoba, ratified by the British Parliament, and under which she became part of this Dominion.

It is an idea which has currency in the country, that for these compact clauses in the constitution and for the protection of minority schools in this country the Catholics were sole movers, and are responsible for their introduction into this constitution. The question has been so threshed out in this House that I imagine there is no hon. member sitting within these walls who for a moment takes that view. But the idea is yet prevalent in the country, and it is necessary that it should be properly and thoroughly understood before we can get at the proper basis for a settlement of this matter. What are the facts of the case? That this question of a guard in the constitution, in form of an appeal clause in favour of religious minorities, as regards educational work was not raised in any case by the Catholics of any province which came into confederation in 1867. It was not a question raised by the Catholic people of Nova Scotia, it was not a question raised by the Catholic minority in New Brunswick, it was not a question raised by the Catholic majority in the province of Quebec, and it was not a question raised by the Catholic minority in the province of Ontario. By whom was it raised? Simply and solely by the Protestant minority in the province of Quebec, and that point is one that must be settled and thoroughly settled in our minds as being a necessary basis for the consideration of the question.

Mr. WALLACE.—Permit me to ask a question. If it was not asked by the Protestant majority of Ontario, how did it become part of the constitution contrary to the wishes of Hon. George Brown and others?

Mr. FOSTER.—If the hon. gentleman will allow me to proceed I will answer that question in due course, and I will answer it thoroughly. Arising out of long years of sectarian and religious strife under United Canada, opinions and convictions in reference to this matter became gradually modified, and, when the representatives of the four provinces came together at Quebec to take up, discuss and settle articles of confederation, these convictions rapidly and definitely resolved themselves into the determination that it should be laid down in the constitution of the country that whatever rights and privileges religious minorities had in the provinces at the time of confederation should maintain their status quo and should not be changed. And so the first paragraph of the educational clauses of the confederation resolutions gave by general consent to the provinces the power to deal with respect to education:

“ Saving the rights and privileges which Catholic or Protestant minorities in both Canadas may possess as to their denominational schools at the time when ‘the union goes into operation.’”

The only change which took place in that clause was this, that instead of its being confined to both Canadas, it was broadened to include the provinces which entered confederation.

### The Protestant Minority Not Satisfied.

But, Sir, was that satisfactory to the Protestant minority of the province of Quebec? It was not. The Protestant minority of Quebec, led by Hon. Mr. Galt and others, refused to discuss the articles of confederation, refused to accept the fact of confederation unless something else was done to make the Protestant minority secure not only in the rights which they possessed, for this security was fairly well given to them by the clause I have read, but to those for which they had been agitating, which they did not then possess and which they wished to possess. There were only two ways by which these additional powers could be got: either by legislation in the Parliament of United Canada before confederation came into operation, under which state of things they would have been secured by the general clause I have read; or else by placing another clause in the constitution, so that when they got those rights after confederation they would have them secured to them by the dominant power of confederation, acting through the Federal Parliament. This was a question brought up, as I have said, by the Hon. Mr. Galt. And how was it settled in the end? It was attempted to be settled by legislation in the provincial parliament which was promised in 1865, but which was not brought down; which was brought down in 1866, but which, owing to complications which arose, was not passed; which it was then promised by Sir George Cartier and other French leaders would be enacted by the Quebec legislature after confederation had gone into force. On the strength of that promise, evincing again the good faith which existed between parties at that time as regards promises made one to the other, on the good faith of that promise for efficient and full legislation for the Protestant minority confederation was accepted, and a clause was placed in the constitution which should make this post-union legislation secure for all time to come? This clause which was proposed by Mr. Galt and unanimously agreed to by the other delegates reads as follows:—



"And in any province where a system of separate or dissentient schools by law obtains, or where the local legislature may hereafter adopt a system of separate schools, an appeal shall be made to the Governor in Council of the general government from the acts and decisions of the local authorities which may affect the rights or privileges of the Protestant or Catholic minority in the matter of education. And the general parliament shall have power by the last resort to legislate on the subject."

The effect of embodying this clause in the constitution is that any post union legislation such as has been promised to the Protestant minority consummated after confederation would be secured through the appeal to the general Parliament, and through the dominant power in that Parliament, which was supposed at that time to be sufficient and to be relied upon to protect the rights of the minority thus confided to its care. Hon. Mr. Galt and the Protestants of Quebec accepted that settlement and accepted it loyally. It was the *sine qua non* of the Protestant minority of their entrance into confederation. I want to make this point as clear as it is true that Quebec Protestants refused to enter into confederation unless what they regarded as essential to them in the way of separate schools, and which could only be granted by the Quebec legislature after confederation, was absolutely secured to them by such a clause.

Now, sir, this, as I have stated, was an article which was placed in the constitution of Canada, not smuggled into it, but placed in it after years of discussion, and with the unanimous assent of the fathers of confederation. More than that, Sir, this clause was not only put in that way, but the whole Educational Section was put in against the protest of one of the most prominent Catholics of the province of Ontario, John Sandfield Macdonald, who objected to it, and who was quite willing, as far as the Catholic minority in the province of Ontario and elsewhere were concerned, that their rights should rest upon the good feeling and the sense of fair-play of the local legislatures. But, Sir, the whole Educational Section was confirmed and included the additional guard pressed for as a *sine qua non* by the Protestant minority of Quebec, and that *sine qua non* is simply, as I have stated, of value and worth to them, as it depends upon an appeal to this Parliament, and the good faith and power of this Parliament to protect them in the matter of their appeal.

Mr. McCARTHY.—Where does the hon. gentleman mean, that Mr. Sandfield Macdonald moved and spoke about that? My recollection is that he was not one of the fathers of confederation.

Mr. FOSTER.—He was not, but he was a member of the United Parliament, where this was discussed.

Mr. EDGAR.—He was strongly opposed to confederation.

Mr. FOSTER.—That may be but he discussed the articles of confederation. He expressed opinions with regard to them, and no doubt expressed the opinions of the Roman Catholic minority in the province of Ontario in reference to them. And, since the hon. gentleman (Mr. McCarthy) wishes to know what John Sandfield Macdonald stated, it is this:

"I, as a Catholic, take the ground that I prefer my people to trust to the good sense of the majority in Ontario, as the minority in Quebec should trust to the majority there, rather than to have any divided power on the question of education."

And he moved:

"That the following words be added to the original motion:—'And that it be an instruction to the said committee to consider whether any constitutional restriction which shall exclude from the local legislature of upper Canada the entire control and direction of education, subject only to the approval or disapproval of the general Parliament, is not calculated to create widespread dissatisfaction, and tend to foster and create jealousy and strife between the various religious bodies in that section of the province.'"

That amendment was debated, and, Sir, the result of the debate in the vote was, that it was negatived by an almost overwhelming majority, the figures standing 8 for and 95 against. Now, Sir, not only was that article put in the constitution after discussion, and after an antecedent strife of half a century in this country, but, Sir, it was put in by and with the full consent of men of both shades of politics, and of men of the very strongest personal feeling in opposition to the principle of separate schools. To show the importance of the question to the Quebec minority, and the views of the strong men of the time let me quote:

Sir A. T. Galt said:

"This was a question in which in Lower Canada they must all feel the greatest interest, and in respect to which more misapprehension might be supposed to exist in the minds, at any rate of the Protestant population, than in regard to anything else connected with the whole scheme of federation."

Mr. Holton representing the English Protestants, said:

"The English Protestants of Lower Canada desire to know what is to be done in the matter of education before the final voice of the people of this country is pronounced on the question of federation."



Sir John Macdonald replied:

"Before confederation is adopted the Government would bring down a measure to amend the school law of Lower Canada protecting the rights of the minority."

Sir John Rose said:

"I know you must satisfy them that their interests for all time to come are safe, that the interests of the minority are hedged round with such safeguards that those who come after us will feel that they are protected in all they hold dear."

Sir George Cartier, a Catholic and a Frenchman, in reply to a question of Sir John Rose, said:

"It is the intention of the Government that in that law there will be a provision that will secure the Protestant minority in Lower Canada such management and control over their schools as will satisfy them."

Sir E. P. Tache said:

Mr. Sanborn gave expression to the fear that the Protestant English element of Lower Canada would be in danger if this measure should pass. But if the lower Branch of the Legislature were insensate enough and wicked enough to commit some flagrant act of injustice against the English Protestant portion of the community they would be checked by the General—that is the Federal Government.

Hon. Mr. Laframboise said:

There is one certain fact and that is that the Protestants of Lower Canada have said to the Government, "Pass a measure which shall guarantee to us the stability and protection of our educational system and of our religious institutions and we will support your scheme of confederation; unless you do we will never support you because we do not wish to place ourselves at the mercy of a local legislature, three-fourths of the members of which will be Catholics." I admit that in doing this they have only done their duty, for who can say after all what ten years may bring forth.

Hon. George Brown said:

It is confessedly one of the concessions from our side that have to be made to secure this great measure of reform. But surely, I for one have not the slightest hesitation in accepting it as a necessary condition of the scheme of union, and doubly acceptable must it be in the eyes of gentlemen opposite, who were the authors of the Bill of 1863.

Hon. Sir Oliver Mowat, who was one of the fathers of confederation, and who took part in these discussions, said, as late as March, 1890:

In what spirit was the new constitution framed? It was a compromise all round, and an essential part of that compromise—so essential that without it confederation could never have taken place—was the provision by which the separate schools of Ontario, and the Protestant dissentient schools of Quebec, were guaranteed by the Imperial enactment.

But for this being guaranteed, we would have had no Dominion Parliament with its present limited powers, and no provincial legislatures with their powers.

Hon. Alexander Mackenzie, not an upholder of the separate schools system, said when speaking against John Sandfield Macdonald's motion:

Though I am against the separate school system, I am willing to accept this confederation even though it perpetuates a small number of separate schools. Under the present legislative union we are powerless in any movement for the abrogation of the separate system; it is even very doubtful if we could resist the demands for its extension. We will not be in a worse position under the new system, and in one respect we will have a decided advantage, in that no further change can be made by the separate school advocates. We will thus substitute certainty for uncertainty. I deeply regret that the hon. member should have thought it necessary for any purpose to move this resolution.

And Sir Alexander Galt, who headed this agitation, who was the prime mover in bringing this question to its final resting place in the constitution of this country, in his pamphlet, published afterwards, referring to the circumstances, said:

Much of the principle and mode of taxation, separate management and other important points are not secured by the Act of confederation, but rest upon the provincial statute of Quebec; that is subject to repeal if not prevented by the veto power. And the only certainty for the enjoyment of these privileges lies in their appeal to this Parliament and in the good faith and dominant power of this Parliament. So, Sir, what I wish to draw from this is that in the Confederation Act itself there is this compact, deliberately entered into, and acquiesced in by men of all shades of party politics and religious belief; and what I want to add to that is this, that the very essence of the Quebec Protestant minority's demand is post-union legislation, which depends entirely on the article of the constitution which is concerned in the appeal before us at this moment.

Nothing more than the above can fitly exemplify the good faith and the toleration, leading to compromise and to harmony, which distinguished the fathers of confederation, growing up as they did in a troubled period, having experience of strife that arose from contested religious beliefs, and meeting on this common ground of permanent security for the good of the confederation and for its advancement thereafter.



### The Compact of 1870.

But, Sir, there is a second compact which has to be taken into account in the discussion of this question, that is, the Manitoba compact. Now, let us look for one moment at what took place when Manitoba came into this confederation. I will not recount the history of the events which took place in that northern country immediately before confederation. There was trouble. That great wide country had been sold by the company that owned it to the Dominion Government. But there was not only land in that country. There was a handful of people there as well - Protestants and Catholics, English, Scotch and French - living along the Red River and the Assiniboine River: the denizens and citizens of that land, who were not conquered by Canada nor sold to Canada by the company at the time they sold the land to the Dominion Government.

### Precedent Negotiations.

Those men came into and became a part of this confederation after negotiations had taken place, after those negotiations had resulted satisfactorily, and after the results of those negotiations had been settled in black and white in the articles of confederation upon which Manitoba was taken into confederation. Is there any doubt about that?

Mr. MARTIN.—Yes, great doubt.

Mr. FOSTER.—There is doubt that negotiations preceded the passage of the Manitoba Act?

Mr. MARTIN.—Nobody representing Manitoba ever agreed to the Confederation Act.

Mr. FOSTER.—My statement is true, absolutely true, that negotiations took place, and that the final issue resulted from the bringing of those negotiations to a successful and satisfactory conclusion between the negotiating parties. And, Sir, those negotiations were accompanied by distinct assurances of the Government of Canada as to what would be done. These negotiations were watched with a most jealous and careful eye by the Home Government: and the Home Government followed their course, and sanctioned them at the last. Recollect that the people who lived there were few in number, and were a people who had not the advantages of education and refinement such as we have at this time - a simple-minded people, having their modes of life, their religious customs, their school privileges: intensely suspicious as to what might happen to them if they came under the dominancy of a greater power and intensely careful that they should know, before they were handed over to the Dominion of Canada, that their customs, their rights, their privileges, their status, should be well defined, and should be favourable and satisfactory to them.

I have said that those negotiations were accompanied by assurances from the Dominion Government assurances which were calculated to settle in the minds of a simple minded people such as they, that good faith would be kept and security would belong to them if they became a component part of confederation. In the instructions of the Governor General to Colonel de Saaberry, to the Rev. Mr. Thibault and to Mr. Donald A. Smith, that is plainly set forth. The instructions to the two first-named state:

"You will not fail to direct the attention of the mixed society inhabiting the cultivated borders of the Red River and Assiniboine, to the fact which comes within your daily knowledge and observation, and is patent to all the world, that in the four provinces of this Dominion, men of all origins, creeds and complexions, stand upon one broad footing of perfect equality in the eye of the Government and the law; and that no Administration could confront the enlightened public sentiment of this country, which attempted to act in the North-west upon principles more restricted and less liberal than those which are fairly established here."

In the instructions to Mr. Donald A. Smith, the third commissioner, this sentence appears:

"The people may rely upon it that respect and protection will be extended to the different religious denominations, and that all the franchises which have existed, or which the people may prove themselves qualified to exercise, shall be duly continued or liberally conferred. That right shall be done in all cases."

The Governor General, writing to Mr. McTavish, the Governor of the Hudson Bay Company, on December 6th, 1869, said:

And the inhabitants of Rupert's Land, of all classes and persuasions may rest assured that Her Majesty's Government has no intention of interfering with or setting aside, or allowing others to interfere with the religions, the rights, or the franchises hitherto enjoyed, or to which they may hereafter prove themselves equal.

The Canadian Secretary of State, writing to Governor Macdougall in December, 1866, said:

You will now be in a position to assure the residents of the North-west Territories that all their civil and religious liberties will be sacredly respected. That the



**country will be governed, as in the past, by British law, and according to the spirit of British justice.**

The Governor-General, in a proclamation issued on the 6th of December, 1869, said:—By Her Majesty's authority, I therefore assure you that, on the union with Canada, all your civil and religious rights and privileges will be respected, your properties secured to you, and that your country will be governed, as in the past, under British laws and in the spirit of British justice.

Now, Sir, I say that the tenor of these assurances and communications to a simple-minded people, intensely jealous of the rights, privileges and customs they had enjoyed, unlearned in forms, of law or diplomacy, could convey to them and did convey to them, nothing else than that on their union with Canada their status, their civil and religious rights, their customs, so far as they prevailed, should be respected and should be maintained for them, entire and unabridged, on their union with the Dominion of Canada.

But, Sir, I have said that Her Majesty's Government also took an interest in those negotiations. On the 9th day of April, 1870, Earl Granville, while following the negotiations as they were being carried on here in the city of Ottawa, cabled to the Governor-General:

"Let me know as soon as you can by telegram the result of the negotiations with the Red River delegates."

Earl Granville, on 23rd April, informed the Governor-General:

"The Canadian Government to accept decision of Her Majesty's Government on all portions of the settlers 'bill of rights.'

The Governor-General was able to cable, on 3rd of May, to Earl Granville:

"Negotiations with the delegates closed satisfactorily."

And on 16th March, Earl Granville replied:

"I take this opportunity of expressing the satisfaction with which I have learned from your telegram of the 3rd inst., that the Canadian Government and the delegates have come to an understanding as to the terms on which the settlements on the Red River should be admitted into the union."

Now, I think this is conclusive as to my general proposition, that the terms of the confederation were preceded and accompanied by negotiations, that they were the result of these negotiations, that they were satisfactory to both sides, and so were made a part of the Manitoba Act and the constitution of this country.

Mr. MARTIN.—Might I ask the hon. gentleman whether the bill of rights referred to in the despatch just read contained any request or any reference to the question of separate schools?

Mr. FOSTER.—I am not discussing, nor do I intend to discuss anything in controversy with reference to the different bills of rights or what they contained.

Mr. MARTIN.—That is most important.

Mr. FOSTER.—I am simply giving the general tenor of what preceded the union. I am not establishing definite special details by definite special proof, but I am impressing upon the minds of those who listen to me the general tenor and import of what took place prior to confederation, and this carries a meaning to members of this House and the people of this country which no specialization would carry—a stronger meaning, a better meaning and a more conclusive meaning.

### **The Compact Resulting from the Negotiations.**

After these negotiations had taken place—and I now come to something which will be special enough for my hon. friend—there was introduced into this Parliament a Bill providing for the confederation of Manitoba with this Dominion. And one clause of that Bill was known as the educational clause, which contains within it a rescript of the education clause in the British North America Act, extended in order to meet the special condition of the people of Manitoba, who were soon to be brought into this union. I said a moment ago that I was not concerned to dig into this controversy about the bills of rights. What I am concerned to know is that these negotiations took place, that they were incident to the Act, that the Act embodies a measure of guard and a measure of security to the religious minority, whatever it might be, in the province of Manitoba, equal to, in all respects, and stronger in some respects, than the compact which was put into the British North America Act of 1867, in its 93rd clause.

Mr. SPROULE.—It says nothing at all about separate schools.

Mr. FOSTER.—It most certainly does. Now, let me go one step further. When that Act came down to this Parliament and was discussed—and I hope my hon. friend from Grey (Mr. Sproule) will listen now while I am speaking—when that Act came down and was discussed in this Parliament, it was not put through in a lone and dark hour, when nine-tenths of the members were away and when no discussion could be raised upon it. On the contrary, it was discussed, and ably discussed, in this Parliament. What was done was done in the light of day, open to the people of this country from one end to the other. And what took place? This very clause was debated, it was actually contested, and when those particular words in it which



extended protection to Manitoba, over and above the protection which was given in the first item of the education clause in the British North America Act—when that extension came down, objection was made to it, and a motion was made by Mr. Olivier that it should not be conceded. Mr. Olivier thought it should be cut out, but after full discussion it was actually embodied in, and remains now, as a part of the Manitoba Act. Now Sir, that is my answer to my hon. friend over there (Mr. Martin) and to my hon. friend here (Mr. Sproule) that whatever view they may take of the bills of rights and of communications and negotiations that took place, in the letter of the law there is a provision made for the rights of the minority. Whether these separate schools were to be Protestant or Catholic depended on which should be the minority, and the provision which was made in that constitution to secure these schools, was thought to be sufficient and was so considered by all.

After debate was had in this House, and after a vote was called, an overwhelming majority decided that that clause, as extended, should go into the Manitoba Act, and if my hon. friend thinks that that does not show that there was a minority guaranteed to Manitoba, perhaps I can convince him by some independent testimony. First, I take the statement made by Hon. G. W. Ross, Minister of Education for Ontario, 19th December, 1895, in Montreal:

"I believe under the Act, by which Manitoba entered the union, it was understood by all the other provinces that the minority, whether Protestant or Catholic, would have the right to establish denominational schools. It was the merest mockery to empower the Dominion Government to interfere for the protection of denominational schools unless it was assumed that such schools existed and that in the charges incident to the growth of a new country, they might need protection from possible interference sometime in the future." That is strong testimony. It is not testimony from a political adherent of this Government.

Mr. SPROULE: He only gave it as his belief.

Mr. FOSTER: The Hon. William McDougall, who was one of the members of Parliament in 1870, and an actor later in the bringing of Manitoba into this Dominion, said in 1892:

"We certainly intended that the Catholics of Manitoba, or whichever denomination might be in a minority, should have the right to establish and maintain their own schools. You see the words 'or practice' were inserted in the Manitoba Act, so that the difficulty which arose in New Brunswick, where separate schools actually existed but were not recognized by law, should not be repeated in Manitoba. And then the right of appeal to the Federal Parliament was given to make assurance doubly sure."

Only an opinion, says my hon. friend from Grey (Mr. Sproule), but it is the opinion of a man who was a prime actor in the actual circumstances of the day, and I put that as against the opinion of even my hon. friend from Grey, who is living some twenty-five or twenty-six years later.

Mr. McCARTAY.—Where did Mr. McDougall make that statement?

Mr. FOSTER.—In his own house, to a reporter, and it was published in the newspaper and was authorized. But I do not know that I might not have a higher authority still, in the opinion of my hon. friend, for I think that Mr. Dalton McCarthy, Q.C., who spoke for and was the attorney for the province of Manitoba, admitted before the Privy Council committee that his minority had rights. Unfortunately, he did not go so far as to admit that the rights which they undoubtedly had ought to be preserved to them. He stopped short of that; but he did absolutely admit and confess that they undoubtedly had rights. And he did more; he confessed and admitted that if it had not been for bad clerical work in drafting they would have had still stronger rights than they have now to present to Parliament and to the country. For, in the opinion of very eminent legal men sitting in this House, whatever was the decision of the Privy Council in Great Britain, in the Barret case, the minority had before confederation practically in operation what were the equivalent of separate schools; that if it had not been for bad drafting or bad judgement, that first appeal to the Privy Council of Great Britain would have kept this question out of Parliament, because it would have established the unconstitutionality of the Act passed by the Manitoba legislature in 1890, and given the Manitoba minority their schools under the first section of article 28. But, Sir, I may give further authority, the authority of the Equal Rights Association, voiced by Mr. E. Douglas Arnour, Q.C., who says:

"It was supposed that the italicized words—that is the words 'by practice'—would save the right or privilege of keeping up separate or denominational schools.

"The constitution of Manitoba did not guarantee separate schools. It was supposed to do so.

"The constitution of Manitoba was supposed to have established separate schools perpetually in Manitoba."

The only point I wish to make on this is one that can be given what weight it is worth—and it will have weight—that a compact having been entered into, which all



supposed guaranteed to the minority certain pre-union rights, if by reason of faulty drafting or the failure of words to carry out the well understood and complete agreement on the point they failed to get those rights, it stands for nothing in point of law I grant you, but it carries weight with every honest man when he comes to discuss the question of the infringement of post-union rights. But, Sir, more than that, the Privy Council judgment, given by men of the highest legal ability, removed from the prejudices and strife in Canada, makes this matter plain in two senses. It shows that the terms upon which Manitoba was to become a province of the Dominion were matters of negotiations between representatives of the province of Manitoba and the Dominion Government, and that the Manitoba Act was a Parliamentary compact. It says:

"Those who were stipulating for the provisions of section 22 as a condition of the union and those who gave their legislative assent to that Act, by which it was brought about, had in view the perils then apprehended."

"The terms upon which Manitoba was to become a province of this Dominion were matters of negotiation between representatives of the province of Manitoba and the Dominion Government. The terms agreed upon, so far as education was concerned, must be taken to be embodied in the 22nd section of the Act of 1870.

"There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

"It was not to be doubted that the object of the first subsection 22 was to afford protection to denominational schools."

### The Proof of Sequence.

Now, Sir, I think I have given proof sufficient, but if more is needed it can be had from the sequence of events following the passing of this Act and the entry of Manitoba into the confederation. What were these events? Why, Sir, immediately upon that province being formed—following exactly upon the lines of the negotiations, following exactly upon terms of the section of the Manitoba Act, the legislature, as soon as it was convened, adopted a system of schools, providing in the completest manner for the separate schools of the minority which at that time was found to be Catholic instead of a Protestant minority. More than that, a significant circumstance took place at a later period. In 1876 the question was raised in Manitoba as to the abolition of the Senate of Manitoba on the ground of greater economy in administration. What is the Senate supposed to be in this country? What was it supposed to be, what was the reason for its existence in the provinces of the Dominion? The Senate was looked upon as a guard against sudden impulses and passions of the people. The Senate was looked upon as a protective power to the minorities of the country. They possessed a Senate in Manitoba. When the question as to its abolition was brought up, the Catholics objected to its abolition on the ground that it would diminish their security for two things, their language and their schools. And, Sir, they were promised in the most explicit way by the Premier of the province at that time, by Mr. Luxton, who was an influential member of the legislature at that time, and by others, that if they would consent on the ground of economy to do away with the Senate, they need have no fear that they would not be amply protected both as to their schools and as to their language.

Mr. McCARTHY.—Does the hon. gentleman think it right to make that statement upon affidavits that were put in and afterwards withdrawn?

Mr. FOSTER.—I am not relying upon affidavits. I am taking the debates which actually occurred in the Manitoba legislature. My hon. friend must not go insane over the matter of affidavits. I read here, Sir, the report of a debate which took place just immediately precedent to the Bill abolishing the provincial Senate. Premier Davies said:

"It may be said that the council is a safeguard to the minority. He could assure the minority that their rights would never be trampled upon in this province. There would always be sufficient English-speaking members in this House, who would insist on giving their French fellow-subjects their rights to protect them."

Mr. Luxton said:

"There were some questions of sentiment which lay close to the hearts of the French people, and he could assure them that the English-speaking members would not ruthlessly deal with these, if the French representatives were sufficiently patriotic to support the measure before the House. They would recognize their generosity and not forget it."

Mr. Frank Cornish, then a prominent lawyer, said:

"He believed the old settlers and the French would make a common cause if their rights were infringed upon; and he could assure them that when the Canadian, that is the English-speaking party, became the great majority it would not be found oppressive."

So strong, so hearty, so generous and so general were these expressions that Mr. Royal felt them and rose to express his feeling in this way:



"But there was something else, for himself, which had not been guaranteed by any Act; he found it yesterday in the remarks of the Hon. Messrs. Davis and Norquay, in the applause given by Mr. Brown to the sentiments of Mr. Luxton, and in the expressions of Mr. Cornish."

There is something that is stronger than compacts, stronger than parliamentary law, stronger than constitution in the world's work—the good faith, the pledged faith, born from a generous hearty feeling of good-will which one man expresses to his brother, which one set of men in the country express to another set of men. That is what seemed more estimable to Mr. Royal than even Acts of Parliament.

And Mr. McKay, speaking, said:

"He was very much pleased to hear the generous and just remarks of the hon. Premier, the hon. Provincial Secretary, and also of the hon. member for Rockwood, which gave the minority in the House that confidence, which the members of this House, by their vote on this Bill would express, that security they felt in the hands of the majority."

The Senate was abolished with the consent of the French members, and two or three years afterwards, both those rights, one of their language, the other to their educational system, were ruthlessly abolished by the Act of 1860.

Mr. MARTIN.—Does the hon. gentleman know that Mr. Luxton, who was referred to in that debate, was at that strongly urging the abolition of separate schools, that he was elected two years prior to that time pledged to do all he could to abolish separate schools?

Mr. FOSTER.—Whether I know that or not, it is quite conceivable that a gentleman of honour and good faith can have the strongest possible opinion with reference to separate schools, and yet when he comes to a number of gentlemen, his fellow-members, and asks them to give up their opposition to the abolition of the Manitoba legislative council which they looked upon as the guardian of their special rights in language and schools, and pledges his word that they will not regret it, that he will act like a gentleman and respect his promise. And to-day this same Mr. Luxton is strongly in favour of restitution to the minority in Manitoba. There was more. There was another episode which took place in 1888; and in mentioning this I am not dealing with affidavits which were put in and which were then withdrawn. I ask the attention of this House to the facts given in a speech of Mr. Fisher in the legislature of Manitoba, an old-time liberal, and a Liberal to this day. I do not intend to go into the circumstantial parts of the statements in this speech, they have been stated over and over again in this House; but this was another instance where faith was pledged in a certain contest, where faith was pledged and a contest was run upon it, and a contest was gained upon it, and a government was formed in consequence of it; where the pledges which Mr. Fisher said were made were not carried out; where Mr. Fisher was impelled to rise in the legislature of Manitoba, and say that the schools were taken away from the minority by an act of bad faith which he could not but reprobate, and which he could not but deplore. This is additional evidence that the pledge and compact in the Manitoba Act was something really lived upon, acted upon, acquiesced in, for over twenty years, until circumstances arose which made it expedient, in the opinion of the dominant party in Manitoba, to abolish the system of separate schools. Sir, I say that the Manitoba compact was another instance of toleration and compromise, looking towards peace and harmony, and in the best interests of the province and of the Dominion at that time, a duplication of the action which took place some years before in the Confederation Act with reference to the other provinces of the Dominion.

### Who Raised this Question?

Now, Sir, I wish to come to another point of view. The Government is attacked in this House and in the country for its action with reference to this question. Men meet me every day and say: Why did you raise this question at all? Why did you bring it up? I am speaking to that class of men now particularly, when I ask: Who raised this question? It was not raised, but settled by the men of 1867, in the Confederation Act; It was not raised, but settled by the men of 1870 in the Manitoba Act. It has not been raised by the province of Nova Scotia for thirty years; it has not been raised by the province of New Brunswick for thirty years; it has not been raised by the province of Ontario for thirty years; it has not been raised by the province of Quebec for thirty years. There is an even harmony of peace, and of security, and of contentment, so far as that clause of the Act is concerned in its relation to the provinces, for all that period, broken but once, but broken in Manitoba, and broken by whom? To-day, Sir, no indignation is too strong to be hurled against the Liberal-Conservative Government and party because they are endeavouring to settle this question. Let men consider as well why that question has to be settled by us. Let them clearly see whence it comes, and however strong their opinion may be, give to a Government and a party who happen to be in power when this question comes up for settlement, their good feeling, their utmost charity, and



their honest and hearty support, if they believe that we are honest and sincere in attempting to meet and settle this question.

### Raised by the Liberal Party

**Who raised it?** Sir, it was raised by a segment of a hostile party, the party opposite to us; and but for the action of that segment of a hostile party, there would have been no question here to-day for the Liberal-Conservative party to settle, and even peace and harmony in the west would have gone on side by side with the even peace and harmony in every other province of this Dominion. How did they raise this question? We all know—simply by abolishing the system of schools which was established in 1871, and sweeping away every right which the minority in Manitoba confidently supposed was secured to them, and which they had enjoyed for twenty years. I venture to deplore the action of the Manitoba government and legislature—I wish to speak with no harshness, it is not proper or right for me to do so. I speak simply of a question of fact, and, Sir, I firmly believe that there are few men in this country to-day who do not deplore the action which the Manitoba government and legislature took in 1890 on this question. The Rev. Principal Grant, who went up to Manitoba, and later to the North-West, as an independent inquirer to look into the question, and whose opinion is not, on the whole, at all favourable to the Dominion Government, was constrained to say this:

"The government of Manitoba made a great mistake in summarily abolishing instead of reforming the old school system. They have been at war ever since 1890, with the prejudices, and feelings, and even religious convictions of a section of the population that deserved to be treated with the utmost consideration. This war will end only when they make concessions which, to the mass of the people interested, will seem reasonable. The sooner these are made the better."

**Mr. FOSTER.** And to make his appeal as emphatic as possible, he says:

"The onus lies on the provincial government to make concessions to meet the views of the reasonable members of the aggrieved minority."

Sir, I believe it is true, as I stated a moment ago, that in this House and in the country there is a feeling of regret that the action of the Manitoba government in 1890 was either taken at all, or if action was taken, that it was not action upon somewhat different lines, and of a less drastic character.

### Why were the Minority Schools abolished?

The ostensible reasons which are urged in this House and in the country, are these: First, that the system was faulty. But it is not necessary to cut a man's head off in order to heal a sore upon his body. The system was faulty, but that is no argument that the system must be abolished. It could be reformed; and the Manitoba government and legislature had full and absolute power to reform it. The schools were inefficient, but that is no argument that they should be abolished. If all the inefficient schools in Manitoba had been abolished, I think a good many more would have suffered a like death. The power lay in the hands of the government and legislature of Manitoba to make those schools efficient. The money was badly managed, but the absolute power lay in the hands of the government of Manitoba to see that it was rightly managed, and all these reforms could have been made without abolition, and without contravening the rights and privileges which had been enjoyed so long by the minority. Why, Sir, is it contended that separate schools cannot be made efficient schools? That contention is not confirmed by the opinions of men who lived in Manitoba and who had something to do with the schools of that province. I find the superintendent of schools Mr. Somerset made a report in 1888 in which he said:

"In connection with its working (the law) during the last seventeen years, it may be pointed out that the schools of the province have been managed without a particle of the denominational friction that has caused disturbance and bitterness in other provinces of the Dominion."

"The past history of the province encourages the hope that perfect justice to each interest shall result in a continuance of the harmony that now exists."

Rev. Dr. Bryce, of Winnipeg, who is no friend of the Dominion Government in this case, wrote before 1890:

"The separate school supporters are viewed in the light of being exempt from the general law which establishes a national system of education. In Manitoba, the Roman Catholic schools are as much national as the Protestant. No special rights are given to either Catholics or Protestants. \* \* \* The government grant is voted for one system of schools, and is divided according to the population of children. No special rights are given either Catholics or Protestants. All moneys are equitably distributed."

\* \* \* Lord Selkirk's scheme of perfect religious equality and tolerance is that still subsisting in Manitoba.

\* \* \* There is no bone of contention to disturb the prevailing harmony. No church is given any place of precedence."



**Rev. Peter Wright**, who takes a lively interest in this question, at Portage la Prairie, says :

"In Ontario very excellent work is being done in many of the separate schools. The late Prof. Young, when Inspector of the High Schools of Ontario, was asked by the Government to inspect such separate schools as he conveniently could. I remember a conversation I had with him in which he bore testimony to the excellent condition in which he found many of them."

More yet. Let us take the Toronto "Globe" of 1864. What does it say?

"We advocate the Ontario system, not because it is a fixed constitution, but because we consider it to be a good system, embodying a satisfactory settlement of a vexed question.

"If this province were making a fresh start to-day, absolutely untrammeled by constitutional restrictions, we do not know that it could do better than continue that arrangement without any material change."

**Hon. David Mills**, in 1892, said :

"The course taken in the province of Ontario, on the whole, produces the most satisfactory results on this continent, of the educational question. . . . I say there is no public school system on this continent, producing more satisfactory results, and that works out with less friction than the separate school system of Ontario." Then, I say, my position is abundantly proved, is indeed it did require to be proved, that it was possible for other action to have been taken for inefficient separate schools to have been made efficient and workable, short of the abolition of those schools and the raising of this vexed question. These were the ostensible reasons put forward, but if the leader of the Opposition, who says he demands separate schools, were present, I would draw his attention most closely to another point.

### The Real Reasons.

What was the real reason for abolishing separate schools in Manitoba? I will quote three authorities. The first authority is the hon. gentleman who introduced the Bill abolishing the separate schools. In introducing the Bill, he is reported to have said :

"The Government's action had not been determined because they were dissatisfied with the manner in which the affairs of the department are conducted under the system, but because they are dissatisfied with the system itself."

**Dr. Grant**, after making his investigation, said :

"The men responsible for the change did not attack the old system for faulty administration or poor results; but they took the ground that it was wrong in principle."

**Mr. McCarthy**, who spoke by the book, for he had the whole case of Manitoba under his charge, said :

"Do you tell me that the Equal Rights Association had nothing to do with that question? Of course the feeling was there; the grievance existed; here people's minds had only to be directed to it, and the moment attention was drawn to it, the province of Manitoba rose as one man and said: We want no dual language, and away with separate schools as well."

That is food for reflection for the leader of the Opposition and the hon. gentlemen who follow his leadership, who has stated, over and over again, that he is intensely desirous for the restoration of the privileges of the minority to them, in so far as separate schools are concerned, that he believes the adoption of sunny ways would have brought about such a conclusion of this matter; yet we stand face to face with the declaration of the mover of the Bill, of the hon. gentleman who had Manitoba's case under his direct charge, and from what is well and widely known, that it was not because they objected to the inefficiency or lack of efficiency of minority schools but they objected to the principle, and separate schools was the thing that had to march out of the Manitoba domain. The leader of the Opposition says that the demon of discontent is roaring, blowing the winds of strife. Who has unchained that demon? It was chained down by the fathers of confederation by the clause in the Confederation Act, and the compact that resulted from it. It remained chained down for twenty-five years, until the bolts were drawn by the Liberal party; since then it has gone about and through this country, this demon of discord, blowing the winds of strife, and hon. members opposite now deplore that state of affairs. The evil spirit has been summoned. Who will exorcise it? Not the Manitoba government, it seems, for during six years they have had the power at will to exorcise the evil spirit and settle the question, and bring peace where discord reigns; but they have not, as yet, taken one single step towards the attainment of that end. Who is responsible for it? Hon. gentlemen opposite and their party, as a whole, are responsible for it.

Some hon. MEMBERS. — No, no.

**Mr. FOSTER**. — I say it, and I adhere to it as strongly as I possibly can. A section of that party unchained this demon of discord, which is roaring around,



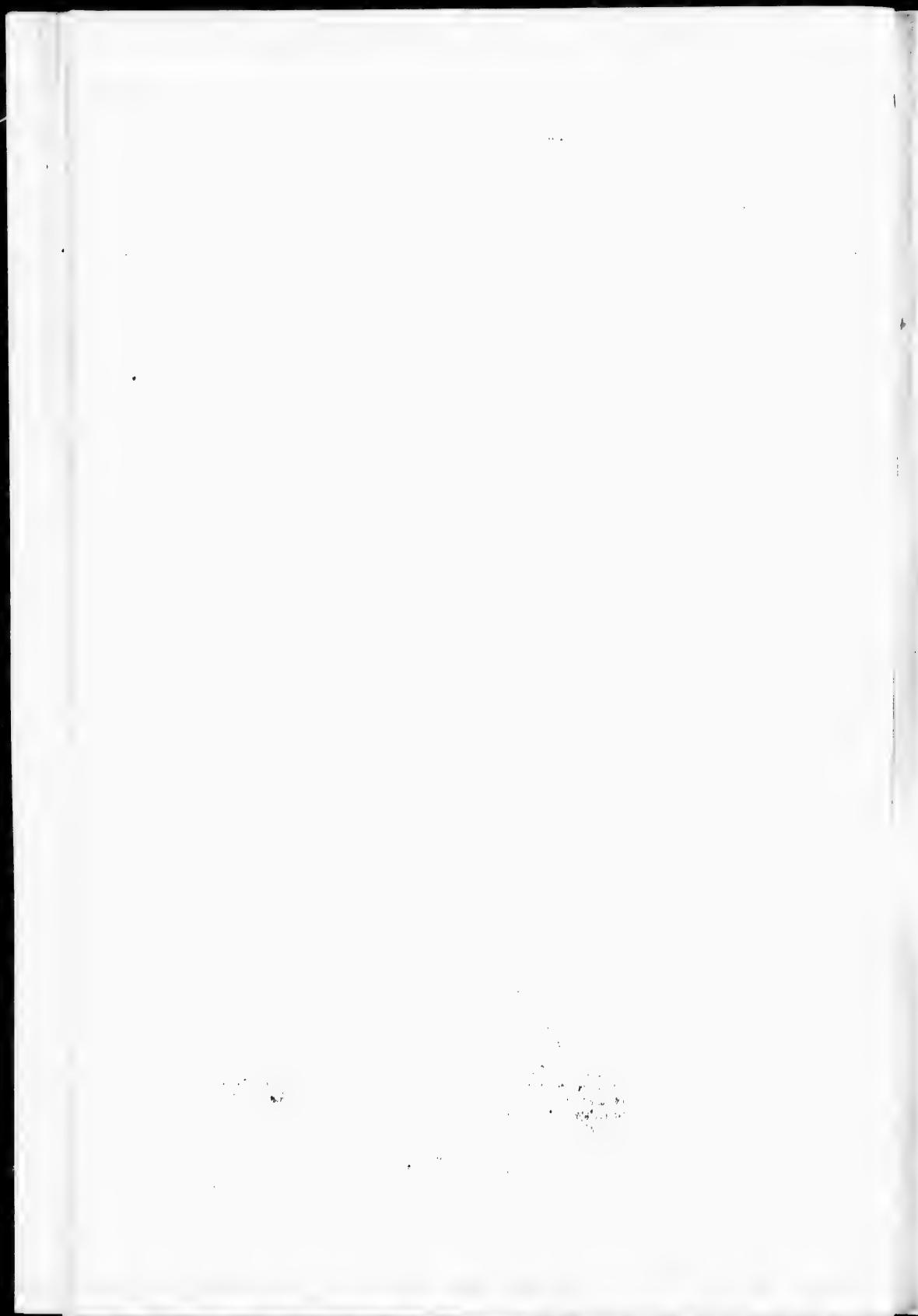
blowing the winds of strife, and the party as a whole has been the most powerful factor in preventing Manitoba from settling this question. From the day it arose, from the Toronto "Globe" down, have backed up the Province of Manitoba, and called on her to be staunch and firm in resisting the tyranny of the Dominion. In the province of Quebec they carried on a crusade against this Government, as they did in the province of Ontario, because they at first declared the Government would do nothing, and because afterwards they feared the Dominion Parliament would intervene to secure a settlement of the question. In every way they have kept the agitation alive, they have fanned the flames and added to the difficulties of settlement. They have the odium of being the party which unchained the demon, and which has been helping to blow the winds of strife through the country from that time on.

### The Course of the Government.

Now, Sir, what has been the course of the Dominion Government with reference to that question? And first, its legal course. On this question, arising from the constitution which the Government was sworn to maintain and uphold, a question which was thrown into their midst by this segment of a hostile party, dogged, as every movement of the Government has been by this party, and for partisan purposes: what has the Government done? It was well aware of the perils of the voyage. It knew the quicksands and hidden reefs, but what this party and Government did, was to nail their compass to the standard of the law and the constitution, and to steer by that towards the port of restitution; restitution, if possible, by the power that could best do it; restitution, if necessary, by the power in whose hands it ultimately was vested by the constitution of the country. They were clamoured with to exercise the veto power. They refused to exercise the veto power, taking the consistent ground that the constitutionality of the Act should be fought out in the courts, and as they did in the case of the New Brunswick schools, they gave a sum of money for testing the constitutionality of that Act. Afterwards, they sought the decision of the courts as to their powers in accordance with the Blake Act, so-called, which was acquiesced in for this especial purpose by both sides of the House of Parliament, and passed as a means to be taken advantage of, in this case, and in cases of this kind, never stopping in their even course, until they had the rights and powers as to appeal, as to grievances, and as to the restitution in the case of these grievances, carefully and fully confirmed by the highest tribunal in the British Empire; and, after that, they heard the appeal, making their judgment under the remedial order, and sending it forward to the province which was chiefly interested.

I ask any man here: If that was not the course which the Government followed, consistently, and without deviation, from the very moment this question came into the arena

Politically, what was the action of the Government? It first invited Manitoba to redress the grievances complained of—and here I have to complain of one thing, which hon. gentlemen opposite, and the leader of the Opposition, especially, have distinctly and constantly ignored, namely, the first communication which was sent by the Government to the Manitoba government and legislature on the 21st July, 1891, inviting them to the consideration of the grievances complained of, and expressing the strongest hope that they would take these matters into consideration and remedy these grievances. This was done, Sir, in 1891, before the decision of the Privy Council. This Government asked the Manitoba government, moreover, that they should lay that request before the legislature of Manitoba. But the government of Manitoba refused the invitation to consider the grievances; they said none existed, and they absolutely neglected to lay the communication before the legislature of Manitoba, and it has not been put before that legislature to this day. The Government then sent forward the remedial order, making it just as wide as the grievances which were complained of. They conveyed to the Manitoba government, at the same time, the intimation, that though that order was made so wide as to cover the fullest possible allegation of grievances, yet, at the same time, a proposition could fairly be made within the lines of that order which might be reasonably satisfactory, and which would be satisfactory, so far as the Dominion Government was concerned. The Manitoba government refused to carry out the terms of that order. What happened thereafter? We came up to the session of Parliament. We had their refusal to act under the remedial order. Our whole course had been an intimation that legislation by this Parliament must follow, if no restitution was made by the Manitoba government. But, instead of driving matters to the extreme, even then, and trying to pass the legislation, the Dominion Government held out the olive branch once more, and postponed legislation for one session on this matter. They again addressed the Manitoba government, asking them to take into reconsideration the whole question, and to make a proposal upon which they could agree, as to some arrangement which would reasonably satisfy the minority. In doing that, Sir, there was an acute difference of opinion in the Government and in the



party as to whether it was wise or not; but, for the sake of giving every possible chance to the government of Manitoba to settle the question, the acute difference of opinion, and that dissatisfaction which arose in the party, was braved, for the time being, for the sake of the result which all of us would be glad to have happened, namely, the settlement of this question by Manitoba itself. Now, Sir, having given that delay, and having no answer, acceding to even a proposition upon the matter, we came face to face with this Parliament, under the pledge to legislate if the Manitoba government had not arranged the matter. We are carrying out that pledge. We are asking this Parliament to pass the second reading of this Bill. We have staked our existence as a Government upon that measure; but even yet, in answer to the plea—a plea of great force—that if this could be arranged by the Manitoba government and legislature, it would be far better, we have still, even at this late period, asked for a conference and will meet in conference in order that, if it is possible to arrange it, the Manitoba government and legislature may yet settle this question, as they can easily do, on the principles of fair-play to the minority.

I say that the Government, in acting on these lines, has acted with dignity. It has acted with prudence. It has acted with forbearance, and now, after six years, it comes to the time and the place, where it thinks that in justice to the minority and to the duties which the constitution lays upon us, it is impossible to further postpone settlement, and that, therefore, during this session of this Parliament, a final settlement must be made one way or the other.

#### **The action of the Manitoba Government.**

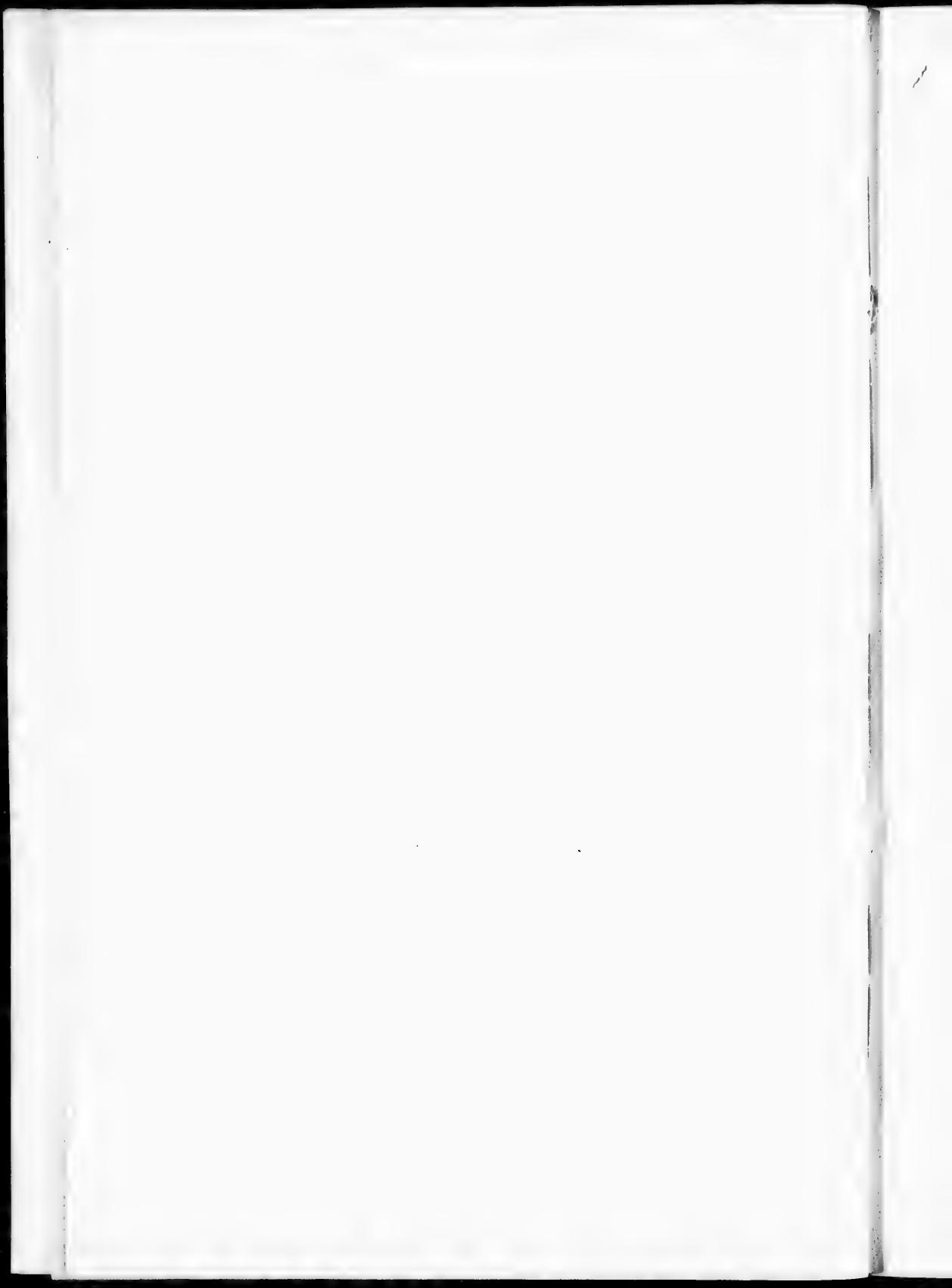
What, Sir, has been the action of the Manitoba government? They broke the spirit of the confederation compact, as I have shown, in 1890 and 1894. They have refused, in the least degree, to make any concession to the minority or to mitigate the severity of their legislation with reference to that minority. They have refused our invitations, refused to act upon the order. They have declared, over and over again, by their counsel, and by themselves, that they did not, in the first place, recognize any wrong, and that they did not propose, therefore, to attempt to settle any alleged grievances. They affirm, in short, that no wrong has been committed, and that they will not change the present system of education. That may have been their determination up to the present time. That may be their determination, even when this conference takes place. I hope it will not be: I hope that the matter, having come to this stage, when one way or the other it must be settled, I hope, I say, that the Manitoba government will take the matter in its own hands, and by a reasonable arrangement concede to the minority what they reasonably ought to have, and so settle this question, and take it out of the arena of politics.

#### **Patience of the minority.**

And, as to the Manitoba minority, I must say it, and I say it here, that the minority deserves a meed of praise for its attitude, under these long six years, of what they consider a grievance and a deferred right. That Manitoba minority waited with patience the decision of the Privy Council, and when the decision was given, they murmured a little, but they abided by it, and they respected it. They took up the second branch of what they thought was the charter of their minority rights. They carried it from the Supreme Court in Canada to the Privy Council in Great Britain at their own cost and charges. There they got this judgment, saying that they had a grievance and a right of appeal, and that we had the power to remedy the grievance. They brought that appeal to us; they have waited patiently during delay after delay: and now, after six years, it does not seem more than fitting and right that their patience and the Government's forbearance should meet in a measure which may adequately restore those rights and remedy that grievance in harmony with the purpose of the constitution.

#### **Objections—Parliament is not bound.**

Now, Sir, there are certain objections made to this measure. One is that Parliament is free as air and not bound, and that consequently we are not compelled to legislate. My hon. friend from West York (Mr. Wallace) advanced that view, and he is right to a certain extent. Parliament is free as air and unbound. So far as this case is concerned, there is no judgment of a court which compels it to do one thing or the other. There is no superior parliamentary power which is able to coerce us. But I want to say to my hon. friend, that, as in the case of an individual, so in the case of society and a country, the highest form of freedom is invariably surrounded with the strongest limitations. Above the compelling powers of the courts of law, and above the compelling power of superior parliaments, there is a sentiment of justice and fair-play which compels where there is no legal instrument;—which compels by the very force of the appeal which that sentiment carries to the heart and the conscience of a parliament that unrestrained and unrestricted freedom in



the interests of a minority or of any class of people plainly aggrieved and asking redress.

**The Majority should rule.**

But we are told that the majority should rule. The majority should rule, says my hon. friend from East Grey (Mr. Sproule). That all depends. Does the majority in a small municipality rule in a contest where the jurisdiction as between the provincial legislature and that small municipality lies with the former? Majorities rule under an even and coterminous jurisdiction, that is all. But, Sir, it would be a veritable tyranny not to be endured for an instant, that a majority should rule, to the oppression of a minority in a small section of country, against the vast majority of a Parliament like this, which has undoubted jurisdiction, and in whose keeping these minority rights that have been infringed upon are placed in the most solemn manner by the constitution. Majorities rule, each in its proper plane and sphere; but the majority of the superior jurisdiction must always rule the majority of the smaller section.

**Quebec and Manitoba cases different.**

There is no parallel between the case of Quebec and the case of Manitoba, says my hon. friend from Muskoka (Mr. O'Brien); they are not alike at all. No parallel? Why not, Sir? Because one minority is Protestant and the other is Catholic? Is that it? That is not the question. You are out of court in making that distinction. The rights of these minorities, which were recognized as legal rights, were settled at confederation. There was a Catholic minority, using Catholic schools, and there was a Protestant minority using Protestant schools. The right of each was conceded; under the law, as adopted, those minorities were both to have their protection. It is too late in the day now to raise the question, as to whether you must give force to the law with regard to the Protestant minority, forsooth; but must put out of court another minority, because it is Catholic. The Catholic minority look on their schools in a certain conscientious and religious way. They may not, in the opinion of some, be right in that, but in the confederation compact their opinion prevailed, and their right was guaranteed to them. The Protestants looked on their schools in a certain way. Some Catholics may have said they were all wrong, and they may have combated that idea at the time; but the right of the Protestants was conceded, and that right is protected by the constitution.

**You will destroy the Public Schools.**

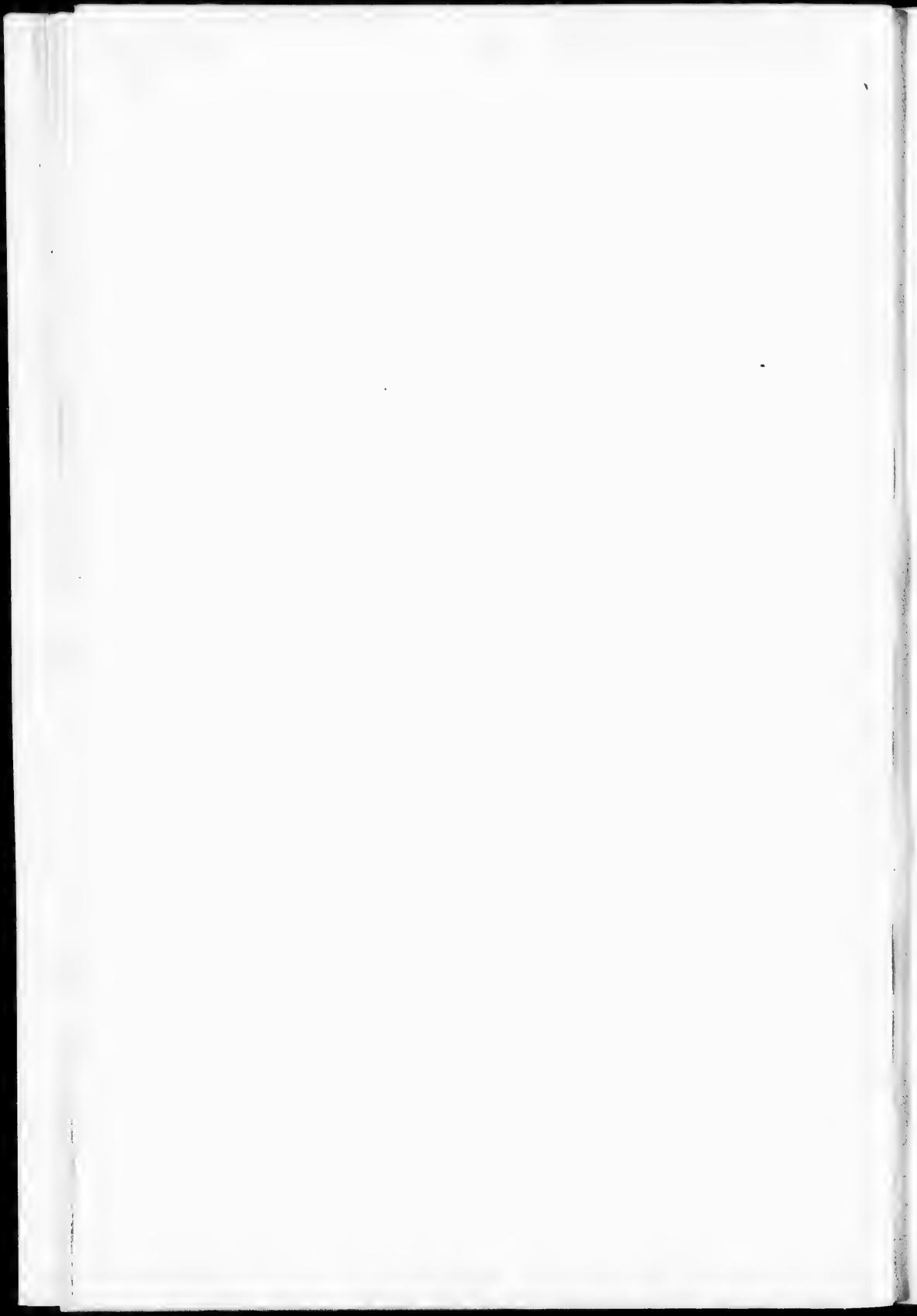
Another says: You are going to mutilate and destroy the system of public schools in Manitoba. I deny it. I ask the educationalists of the province of Ontario to answer me this question: Is the Ontario system of education destroyed and mutilated because separate schools exist there? You cannot find an educationalist of repute in the province of Ontario, or one who has inspected the system of education in that province, who will give you an affirmative answer to that question. The public school system of Manitoba would be destroyed, if hon. gentlemen opposite had had their way. The leader of the Opposition, who either believed in the argument, or was nungenerous enough to use against us an argument in whose validity he himself did not believe, said that the Catholics of Manitoba are suffering an injustice to-day, because we did not exercise the veto power in 1890.

MR. GUAY.—Hear, hear.

MR. FOSTER.—My hon. friend says, "Heer, hear;" but I invite him down to the seat in front, beside the hon. member for North Norfolk (Mr. Charlton), who yesterday made that bitter anti-remedial speech, and I will have them to fight the matter out between them. If we had vetoed the Act of 1890, what would we have done? Smashed irretrievably a system of public schools, which is in accord with the majority of opinion in the province of Manitoba, and created a veritable grievance. To-day, by this legislation, you leave the public school system virtually intact. You simply strive to give back to a minority the privileges guaranteed them, which can be done without disturbing to any appreciable extent, the beneficence and value of the public school system in the country. Why, Sir, look at the distribution of the population of the country, and tell me how you can maim the public school system. One says: You will take taxes that ought to go to support it, and that will maim it. How many people are there in the province? Some 200,000. How many Catholics? Some 20,000. So that only one-tenth of the population, at the most, could be withdrawn from the support of the public schools, so far as tax contributions are concerned. How are the Roman Catholics grouped in the province? The Rev. Dr. King, Moderator of the Presbyterian Synod tells us:

"A large portion of the Roman Catholic population is situated along the two rivers, where there are almost no Protestants. Accordingly, in nine cases out of ten the trustees would be Roman Catholic, and Roman Catholic teachers could and would be chosen."

The census, also, and every man who knows Manitoba, and has studied its geography, can tell you the same thing. Put your system of separate schools in those



parts of the country were nine-tenths of the Catholic population are congregated together, and you have not an iota of difference in the tax contributions, whether you have the separate school system, or whether you have the public school system. You would not take the taxes of the Catholics gathered together along the banks of the Red River, and send them to Brandon, or somewhere else, to swell the public school contributions, of that portion of the country. No. Then, I say, establish your separate schools, if you wish, and nine-tenths of the minority will be just the same, as regards the tax contributions, as they will be under the public school system, but better—why? Why, to-day, Sir, they both carry on their own schools, and pay taxes to the public school system, having a grievance, depleting their earnings by paying a second tax into their own private schools, and it is thus impossible for them to keep up schools of at all like efficiency they would have, if they did not have to pay double taxes out of their pockets. You would have better separate schools. What about the remaining one-tenth of the minority? In the majority of cases, I venture to say, it is so scattered that in practical working, of necessity, they would not form separate schools but would do, as they do in Ontario, go in with the public schools. Sir, this plan that you would destroy the public school system is a perfect bugbear and nothing else. When you come to analyze it, a system of separate schools, giving the minority their fullest rights in the province of Manitoba would not disarrange matters materially, but would make the schools, on the average, more efficient in every possible way—and the grievance would be removed.

### But two Classes of Opinion.

But there are some strictly Liberal objections. I venture to say that in this House there are just two classes of opinions; and if its members were polled, it would be found that these classes of opinion would be in the proportion of ten to one. One, and the smaller class, believes in the repudiation of the compact clauses of the Confederation Act and of the Manitoba Act, and which, despite this compact, would do away with separate schools entirely. The other, and the larger class, is made up of men who believe in remedial legislation as a principle, either in the first or in the last application; and as far as the principle goes, it does not make a bit of difference. The distinction between the Liberal-Conservatives who support remedial legislation, and the Liberals who to-day wish to give it the six months' hoist and kick it out of this Parliament is simply a question as to time of action—not as to principle. Did you hear what the hon. member for Vercheres (Mr. Geoffrion) said? Did you hear what other members on the benches opposite said? All, without exception, from the Province of Quebec, said: Let us have an investigation, let us have a commission; let us have Manitoba settle this thing, if she will. But if she will not settle it, what did they say? What will my hon. friend there (Mr. Davies) say? He is a remedialist in the last analysis. I am a remedialist at this present time. On principle there is not the least difference between us. He is putting the question over on an insufficient plea for delay, on the ground of an investigation. I say it is better for Parliament and the country it should be settled now.

### The Present Platform.

But the platform on which they stand in their plea for a commission of investigation. Let us analyze it. My hon. friend the leader of the Opposition (Mr. Laurier) moves the six months' hoist to a Bill which embodies the principle of remedial legislation. Therefore he and his party are opposed to that principle. My hon. friend, in the very same breath, says: I go for an investigating commission; and he is applauded to the echo by the hon. gentlemen who sit beside him and who follow him. And yet there can be no standing ground for a commission of investigation, unless the principle of absolute remedial legislation underlies it. What business have you investigating if you do not intend to exercise the remedial power should the investigation establish a grievance? The only logical position of anti-remedialists is that taken by the *Globe* and by the third party, viz: to say you do not want any commission. But the moment you appoint a commission, on your own showing, you are either poking your noses into something you have no business with, or you are standing on a principle which will pledge you to legislate if the commission shows that there is a grievance. That is the consistent platform enunciated by a party which at one and the same minute declares against remedial legislation—kick it out; for remedial legislation—let us have a commission of inquiry. Inquiry is the general cry. The Manitoba government raised it to call off public attention from the act they had committed. My hon. friend the leader of the Opposition raises it in order to keep his party in unison. My hon. friend from L'Islet (Mr. Tarte) follows him a long way off. He was not there a few years ago, he was not there a few months ago, but the crack of the party whip has been heard, and my nervous and excitable friend feared the lash and came into line, and he calls out for delay and investigation as sturdily as the best of them. Sir Oliver Mowat adopted it to keep the party within line. It is like a vast umbrella under which



they all gather and are sheltered from the pelting rain of criticism, as they think, but beneath which they quarrel like cats and dogs. It is the party shibboleth. Whispered in lowest tones by the remedialists—it is a precedent for legislation; shouted in stentorian tones from the housetops by the anti-remedialists—it is an absolute negative of the principle of remedial legislation.

### What is to be Investigated.

What is there to investigate? Do we require an investigation into the compacts? There are the documents—the confederation compact and the Manitoba compact. Read them, if you want to know what they mean. There are the pre-union rights, the privileges which everybody knows existed, though legally they are decided not to be, and we throw that out of the question. There were post union rights and privileges. Are these not known? And they were taken away. The law of 1870 shows what was given, the law of 1880 shows what was taken away—and what now remains? "Scripta manent"—gather those and read them, if you want to know what was given and what was taken away and what remains. Does anybody doubt that? Not the Manitoba government, surely. That government gave them, it took them away, and it gave its reasons. Not the courts. They heard the cases, fully investigated the facts, and gave their decisions. There is not a member of this Parliament who does not know the facts and who has not made up his mind with reference to it. There is not an intelligent Canadian who does not know the facts; the facts are sufficiently known without investigation. What are the facts? There was a compact which, it was thought, secured the minority privileges, and the minority have not those privileges now. There were separate schools for the minority: there are none now. The taxes of the Catholic minority formerly went to support separate schools; they now go to the public schools, and besides this, the minority have to pay for their private schools. The minority had a share of the public funds; they have none now. They had denominational education then; they have not got it now. They had the selection of their own books and so forth then; now they have not. All these things are known. They are to be found in the books of the statutes; they are in the reports of the inspectors of schools; they are in the statistics of the schools; they are in the census returns; they are in the groupings of population. Appoint your commissioners, send them up there, let them investigate, and when they have done their work and come back, what will we have? We will simply have a collection of the very information which we have at hand to-day. A commission will not boil down all this information and put it into homeopathic pills, so that one can take two or three, and, without any effort on his part, have the whole information spread to his brain. There are the documents; they have to be examined. The investigating commission could only gather the documents which we have before us now, and lay them before you for examination. That is all. But my hon. friend who sits opposite me says the bill is a bad bill.

### "The Bill is No Good."

Sir RICHARD CARTWRIGHT.—Worthless.

Mr. FOSTER.—He says we want a good Bill, if we are to have any. Another gentleman says: You have given us the shadow but we want the substance. Another gentleman says it will produce law-suits. Most legislation does.

Sir RICHARD CARTWRIGHT.—Bad legislation does.

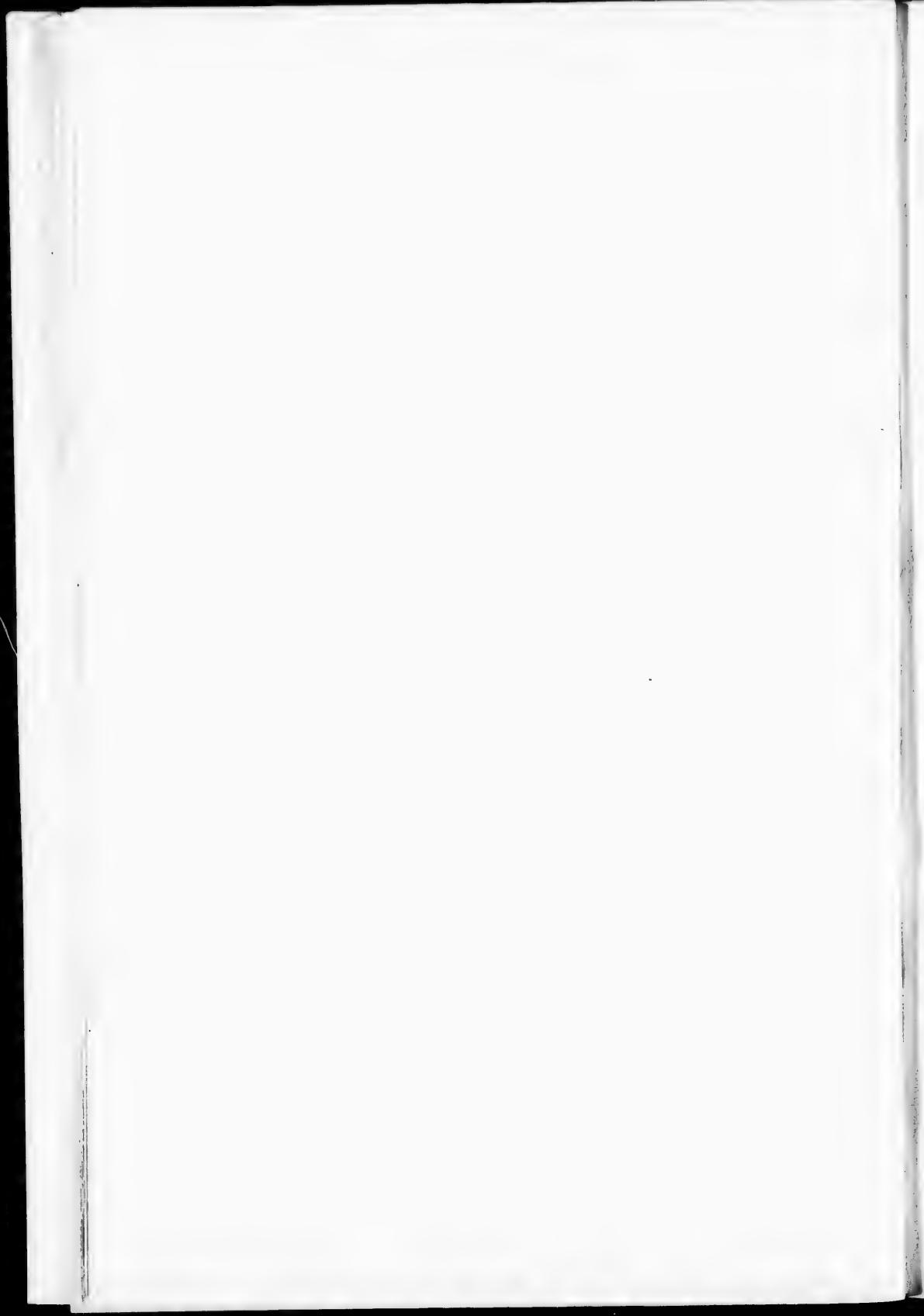
Mr. FOSTER.—What I want to say to the hon. gentleman is that this is simply trifling. The principle of remedial legislation is in that Bill as the gold is in the nugget.

Sir RICHARD CARTWRIGHT.—Very refractory gold.

Mr. FOSTER.—It may be so, Sir. But the man who wants to get pure gold does not kick aside the nugget with its rough encasement, but he says: Let me have that and, with the help of others, I can refine it into the pure gold. The man who is in favour of remedial legislation accepts that Bill, and does his best in committee to make it as effective as he can, according to his views—I mean the man who is honestly in favour of it. It never has been heard of that a Bill which does not go as far as you wish it to go, but still embodies the principle you desire to have adopted should be kicked out by a motion for the six months' hoist, because it does not cover quite as much as you wish. If you are against remedial legislation, say so, adopt the principle of this Bill, and then go to work to make it as effective as possible.

### "Your Parliament is Moribund."

Another objection is that this is our sixth session, and we have no right, constitutional or other, to legislate as it proposed. We have every right. The law of this country fixes the term of Parliament, a duration of a certain period—one session every year during that period and within that it is perfectly legal for us to act. We



are within the strict letter of that law. More than that, Sir, there is no constitutional requirement which makes it necessary that a question like this should be submitted to the people. For this is not a new question.

An hon. MEMBER. Hear, hear.

Mr. FOSTER—Does my hon. friend say it is? This is a question that had agitated this country for years, that was settled in the Confederation Act, and in the Manitoba Act. My hon. friend scored the hon. Secretary of State because he did not take the question of confederation before the people of Nova Scotia, and ask them to pass upon it. The hon. gentleman spoke in sublime forgetfulness of the fact that neither did the province of Ontario, nor the province of Quebec. The important time with reference to this matter was when it was being put into the bedrock of the constitution. Then was the time for the people to have had a chance to state their convictions. They did discuss the whole question then, they accepted confederation, and we have loyally lived under it for twenty-nine years. We are now upon a specific case which grows out of this adopted constitution, and we have sufficient power to settle it. And our constituencies might well call us poltroons if we refused to deal with the question here to-day. The demon of discord is abroad blowing the winds of strife, say hon. gentlemen. And they get up, and with tears in their eyes, deplore this strife. And yet they want to throw this apple of discord into the general elections, and thus all the more inflame prejudices and passions. It is my belief that it is wise as well as constitutional to settle this question and take the responsibility before our constituents.

### They are Playing a Part.

But, Sir, are these gentlemen opposite playing a part? I do not ask that in an offensive sense. Are they playing a part? Let us see. I think they are, and I submit my opinion. The stake that they are playing for I know, and so do our friends here. They are playing for power. They are desperate players. I do not play myself, but I take leave to ask those who do a question. If they had been playing all night, and had been losing continually, and had got to the last cent they had in their pockets, would they not become desperate? Cards up their sleeves, cards in their laps, cards all around—anything to win. These hon. gentlemen have been out for over eighteen years. They have been playing for power and they have lost every time. Their last nickel is invested. If they are desperate players, can we wonder at it? Let me ask my hon. friend from L'Islet (Mr. Tarte) is he playing a part. In 1893 he said in this House:

"Can it be true, Mr. Speaker, that because the Parliament of Canada were unable to find a correct term to define the rights of the minority, this minority would have to be crushed under feet? Can it be true that the Crown in Canada has gone that far, that it would avail itself of a clause improperly drawn up to disregard and overlook the rights of the minority?"

Again, in 1893, he said:

"It is a censurable and a criminal manœuvre, not only from the point of view of the minority who are now suffering, but also from the point of view of the general interests and the most dear to the country."

"I throw aside party ties and I call upon the Government to preserve the rights confessedly granted to the minority by the constitutional charter."

"It is our duty to defend them and to take every possible means offered to us by the law and constitution to preserve them inviolate."

"Our only wish is that a principle of equal justice to all be applied; that the compacts, the agreements made be respected by both parties."

"The Catholic schools were abolished and instead of taking a firm stand, worthy of true statesmen, they refer the question to the courts of justice."

"After a solemn compact, after arrangements were accepted by the majority guaranteeing the rights of the minority, without any notice being given, without any regard for the negotiations which took place these guarantees are thrown aside which protected the rights of the minority, and they would have us believe that Parliament is powerless to do justice to those who suffer."

One more. On January 29th, 1895, the hon. gentleman said:

"I say that the position of the Catholic minority is no better as long as the present Government remain in power, for the reason that the members of that Government, and nearly all their supporters, have declared themselves for non-intervention."

How is it now? May I ask my hon. friend from L'Islet, when the Government and the members of the Cabinet have staked their lives upon the principle of intervention? Where is the hon. gentleman now? He was not thirsting for information then. He had no doubts as to the grievances of the minority, as to the powers of Parliament, as to the duty of the Government. Did he say "Hands off Manitoba"? No, but to Manitoba he said, "Hands off the minority." And to the Government he said, "Hands upon" that majority to compel hands off the minority. The veto is the club you should use. Strike! thrust! destroy! What has become



of the hon. member for L'Islet? Was he right then? If so, is he right now, or is he only playing a part? Let me ask what was said by my hon. from Berthier, and we will have a contrast.

Mr. LANDERKIN.—You will have a conference with him.

Mr. FOSTER.—Not necessarily. His opinions are very frank and frankly given. Here they are:

"In the third place, we contend that the time for disallowance having once expired, it was the duty of the Government to enact such remedial laws as were calculated to redress the grievances complained of by the Catholics of Manitoba, instead of resorting to various shifts and subterfuges, to avoid dealing with the just claims of the latter."

Again, my hon. friend from Berthier (Mr. Beaupoleil) says:

"I, for one, am ready to assume my own share of responsibility, and to give my support to any Government whose first article shall be the redress of the wrongs inflicted upon Manitoba. On the same ground, I would pledge myself to support no Government whose programme would be to withhold from the Catholics of Manitoba the just treatment they are entitled to and which they are denied to-day."

Again he said:

"On the other hand, should the hon. the Minister of Justice pledge himself to adopt such remedial legislation as might be calculated to redress the grievances complained of, in accordance with his report of the 21st March, 1891, I am ready with a large number of my friends, from this side of the House, to lend him a loyal support, thus making up the loss of a few votes among his own friends, brought about by this honest course of action."

That was applauded by the leader of the Opposition, and every member of the party opposite, just as my hon. friend's (Mr. Tarte's) statements were applauded by the leader of the Opposition and every other member of the party who sits behind him. But let us take another, and that is the statement made by the hon. gentleman from North Norfolk (Mr. Charlton), who spoke yesterday. At Bracebridge, on December 3rd, 1891, he is reported as follows:

"Mr. Charlton was received with loud applause. At the outset he accepted Mr. Bennett's challenge and declared that he would vote against remedial legislation next session if it were proposed, and every other session in which he should be a member and a proposition for the coercion of Manitoba should be introduced. He would do so because he believed that although it might be that the minority in Manitoba had suffered injury, it would be the worst kind of a remedy to shackle and bind a province in the control of the education."

Yet my hon. friend from North Norfolk (Mr. Charlton) speaking yesterday on those same lines, received the same Liberal applause from the hon. gentlemen sitting around him. Let us take another hon. gentleman who sits now in this House, but has not been here for a long time previously. I mean the hon. member for Huron (Mr. Cameron), who, when he speaks, will take the same line, and will get the same applause. At Goderich that hon. gentleman said:

"First he gave an explicit declaration of his stand on the Manitoba school question. 'I shall vote against the remedial order,' he said, 'I do not care who is Premier of Canada, or who is ruling the country. I shall vote against coercing Manitoba, against taking her by the throat.' He would, if necessary, be the only one to stand up single handed for provincial rights. 'Hands off Manitoba,' was his watchword."

Now, sir, all of these have been applauded. Which was right? The one consistent utterance that I find amongst them is the utterance of the hon. member for Berthier (Mr. Beaupoleil), with whom I may couple the utterance of the hon. member for Ottawa (Mr. Devlin), whose declarations of one or two years ago, square exactly with their declarations now. Now, let us get a little further. "Le Monde," a Liberal paper in Quebec, says:

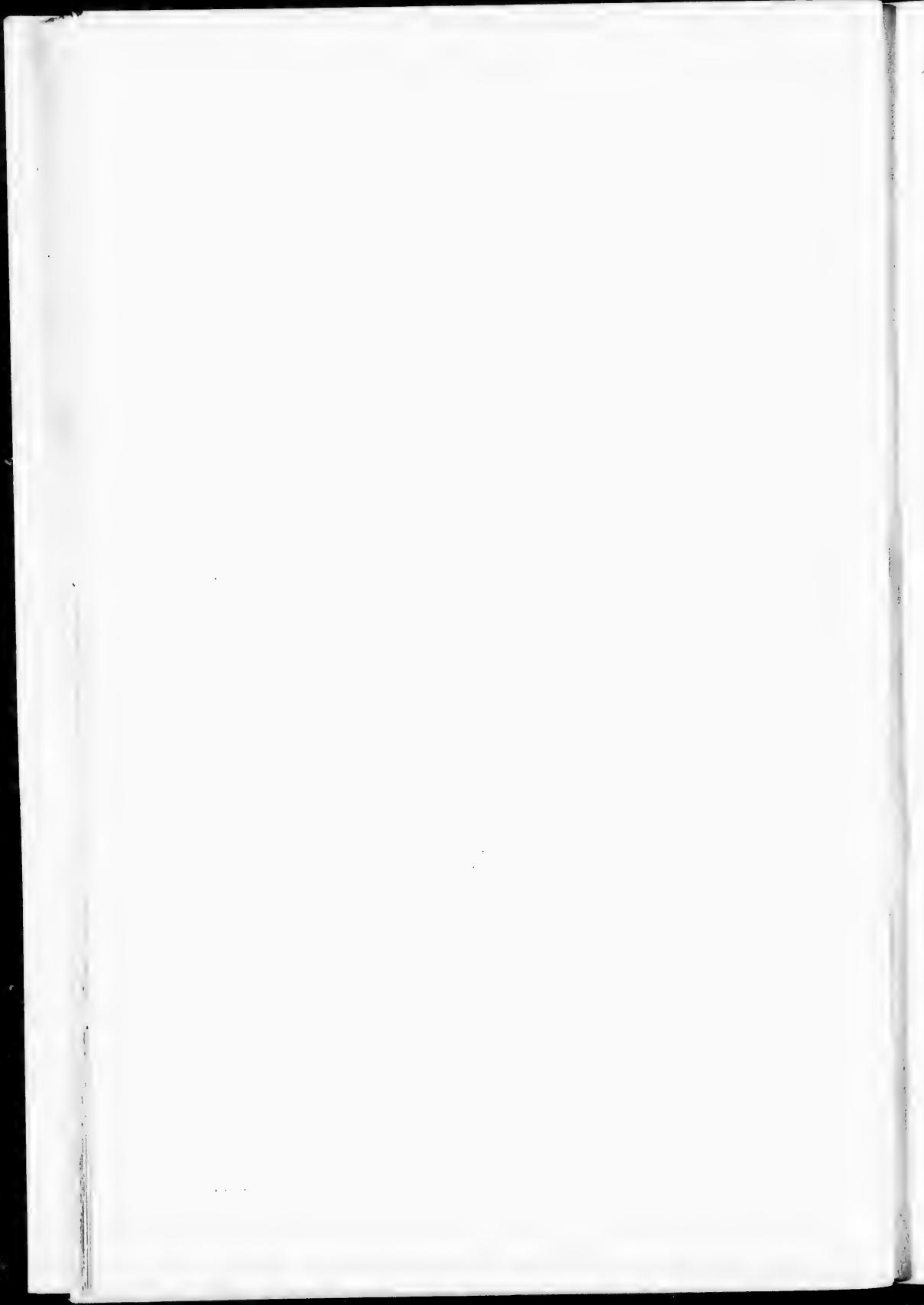
"Before the electors assembled at the Forfar street and Ste. Etienne street meetings, Mr. McShane declared himself for the re-establishment of the Catholic schools in Manitoba. 'Good.'

"Sir William Hingston does not say anything. He is the candidate of the Orange administration that will give Catholics the shadow for the reality, that is to say, nothing at all."

"The people's Jimmy has the courage of his opinions, and we congratulate him."

We shall see later whether we can join in these congratulations. Coming down to another province, what do we find? The "Globe" newspaper speaks as to what is going on in Quebec:

"As to what is going on in Quebec, we believe that left to himself, the French-Canadian citizen cares very little about the question of separate schools in the North-west; but it is quite possible that he may be worked into a state of excitement by the appeals of politicians who will tell him that the French-Canadians of Manitoba are being oppressed by the majority, that it is possible to coerce the majority from Ottawa, and that unless this is done the next point of attack by the 'Pro-



testant bigots' will be the customs, language and religion of the people of Quebec. Manitoba cannot be compelled to obey the mandate of Ottawa in educational matters, and the best service that can be rendered the people of Quebec at this juncture is to tell them plainly that the attempt at coercion must be futile."

And again the "Globe" says:

"It will, sooner or later, appear that no course is open but to leave the legislature of Manitoba to manage the public education of the province, free from control or interference by any other authority in Canada."

Now, Sir, here are your different sets of opinions; which are right? All are equally applauded by the party opposite. Why, Sir, am I not justified in saying that they are playing a farce? Take an audience in a theatre. They are facing the boards. The actor comes forward; as clown, as tragedian, as comedian, he successively comes forward, and he receives an equal meed of applause, represented as black, or white, as Englishman or as Frenchman, as foreigner or as native—in each character, when he comes forward, he performs his part, and in each is equally applauded. That audience is there simply to be amused, and they are amusing themselves. Here the actors come forward. My hon. friend from L'Islet (Mr. Tarte), my hon. friend from Winnipeg (Mr. Martin), and other hon. gentlemen, the one black the other white, with opinions as diverse as the equator is different to the pole, and they are all equally applauded. What is the solution of it? They are simply amusing themselves, there is no principle in the matter. They are playing a part, and they are amusing themselves in the play.

### Mr. Laurier's Position.

Mr. Speaker, I had intended to address a few words to my hon. friend the leader of the Opposition. He is not here to-day; an inefficient substitute (Mr. Flint) I fear I must say, sits in his place; but if he will take one message to his chief, I will be glad to send it. Let me take, then, the leader of the Opposition himself. In 1893 he said:

"That while on all other matters the powers of the local legislature are almost independent, in the matter of education, a supervisory power has been given to this government, in so far as separate schools are concerned. Whatever privileges are guaranteed to one minority in a province I claim in the name of justice and fairness, for all minorities in all of the provinces."

Again, he said:

"If the Supreme Court should decide that the Government have the power, to interfere with the legislation of Manitoba, and the Government should not obey the legal mandate which they themselves had sought, there would be a powerful and a rightful agitation in some parts of the country against the Government."

He says again:

"The Catholic minority has been subject to most infamous tyranny, if the statement is true as given by Archbishop Taché that Protestant schools are being continued under the guise of public schools, and that Roman Catholic children are forced under that law to attend what are in reality Protestant schools."

Again, he says, still later:

"If he ever reached power, and he hoped the time was not far distant when that would become a fact, he had reason to believe that this question would be settled."

"If the electors gave him such men as Mr. Charbonneau in Jacques Cartier, and Mr. McShane in Montreal Centre, and other Liberals of that stamp, it would put him in a position to handle this question."

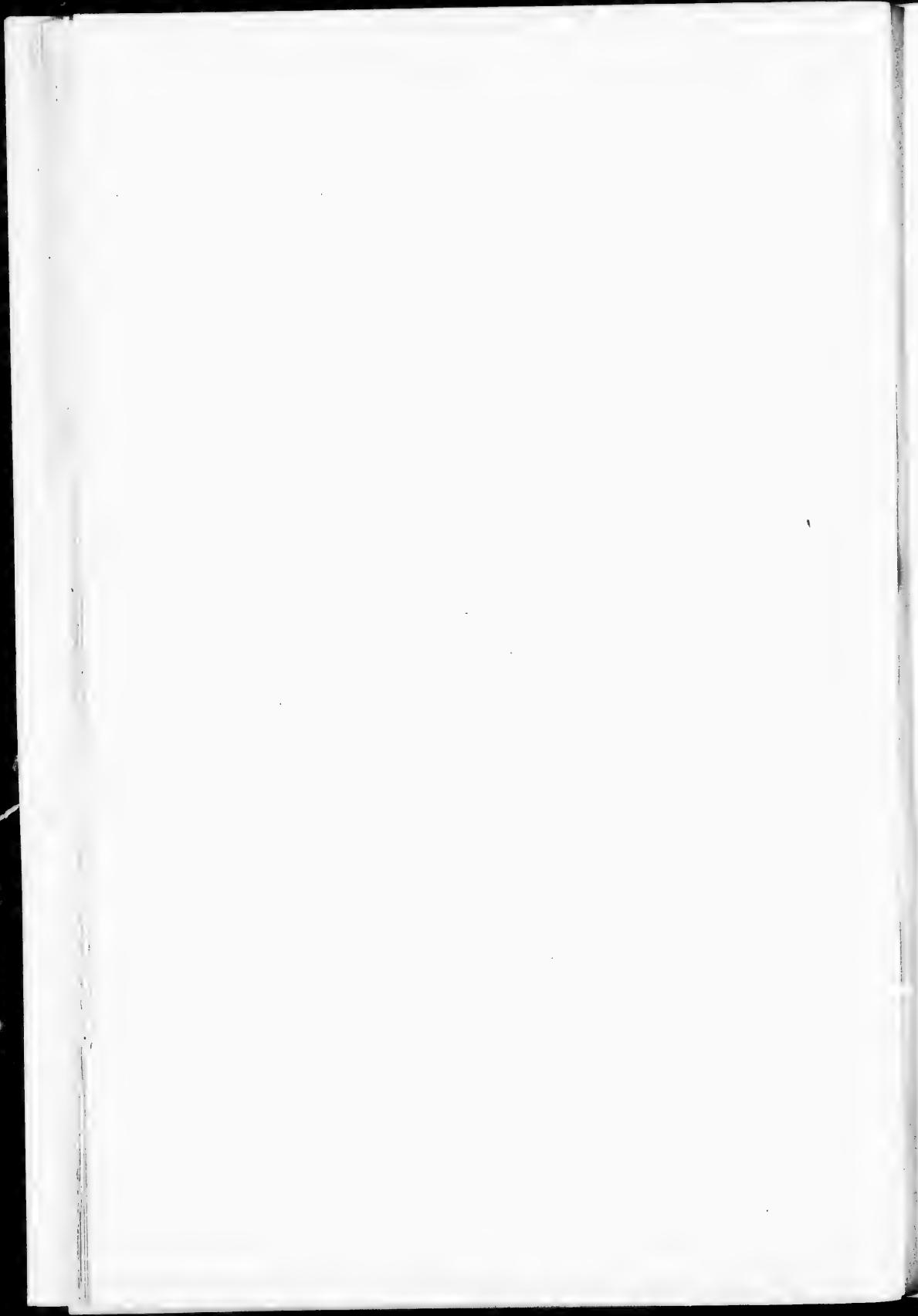
"We favour Christian education, but we want the parent to say which religion should be taught to their children."

"The Manitoba Catholics were suffering an injustice now, because the Ottawa Government had not done its duty."

"I can say that had I been in power I believe that the school question would now have been settled. The appeals by Archbishop Taché and Archbishop Langevin were not made to me, but give me the power and I will undertake to do justice, and come what may I can do no worse than the Government has done. If I fail to keep my promises you can take me and my friends and throw us into the St. Lawrence." And so on as to the right and the duty. I might read endless quotations in the same line.

Mr. CHOQUETTE.—You are reading a very good speech.

Mr. FOSTER. —I read them for this purpose only, to show that on the ground of the right of Parliament to interfere, on the ground of the duty of this Parliament to interfere, on the ground of a well established grievance suffered by the minority, the leader of the Opposition had declared over and over again that this party, led by the Government in power, have been insufficient, in that they did not redress that grievance, and did not remove that wrong; that if he had been in power he would have redressed that wrong, coupled with the assertion that he makes over and over again that his inmost belief is that the Catholics of Manitoba have a right to their



separate schools, and that they should get those separate schools. All these, taken together, form a strong commentary on his position to-day, when the Government having introduced a measure for restoring those rights and removing that grievance, he meets it with a six months' hoist. Sir, this hon. gentleman has argued in favour of the veto, and he has argued against the veto. He has been against any delay and he has rated the Government for delay; yet to-day he is in favour of delay. He has said that investigation is necessary; and he has declared in this chamber that investigation is not necessary. In an exactly parallel case, what is his statement?

"As you know, we have in Quebec no schools but religious schools—Roman Catholic schools and Protestant schools. Suppose the legislature of Quebec were to-morrow to abolish the system of separate schools existing there, so that the Protestant population would have either to send their children to the Roman Catholic schools or bring them up in ignorance or tax themselves a second time to establish schools of their own.

"Sir, if under the circumstances, an appeal were brought to this Government, is there a man in this House who would not say at once to the Government: It is your bounden duty at once to interfere and make away with this obnoxious and tyrannical legislation."

There is an exactly parallel case here; but the hon. gentleman with that declaration hot from his mouth, now affirms that we must have investigation and delay, and that remedial legislation must not be given, and it leaves the six months' hoist.

The hon. gentleman made a speech at the opening of the debate, in reply to the Secretary of State, a speech that has been much lauded and much read; but a speech which, in my humble opinion, will not bear very much dissection. I wish to direct attention to three or four points in it. The first statement he made was that to proceed with bill and make it law

"Would be a most violent wrench of the principles upon which our constitution is based."

And yet I have read to this House statement after statement in which the hon. gentleman acknowledged the undoubted right and jurisdiction of this Parliament to so legislate. How can you wrench the constitution by adopting action that is strictly within the powers which the constitution gives? The hon. gentleman went into a long disquisition as regards the excellence of the United States constitution, particularly on the line, that under the United States constitution the state legislation was not supervised by the federal legislation, and bitterness was therefore not imported in such questions there, and while landing that feature of the United States constitution he called our own "a very great mistake." For what purpose? A minute afterwards he declared: "But the remedy of interference is found in the constitution, and being there it must be applied by them who love the constitution." Why was he talking about the beauties of the United States constitution as distinguished from those of our own? We are not living under the United States constitution; and he himself when he came back to his subject had to discuss it in the light of the Canadian and not the United States constitution. Further on in his speech he said:

The minority have a right to have their own schools, that I admit.

If then we live under the Canadian constitution, if this constitution gives a remedy that should be applied, and if the minority have a right to their own schools what then was the object of taking this matter up at all? The hon. gentleman then went on to say that we must not force public opinion. He said:

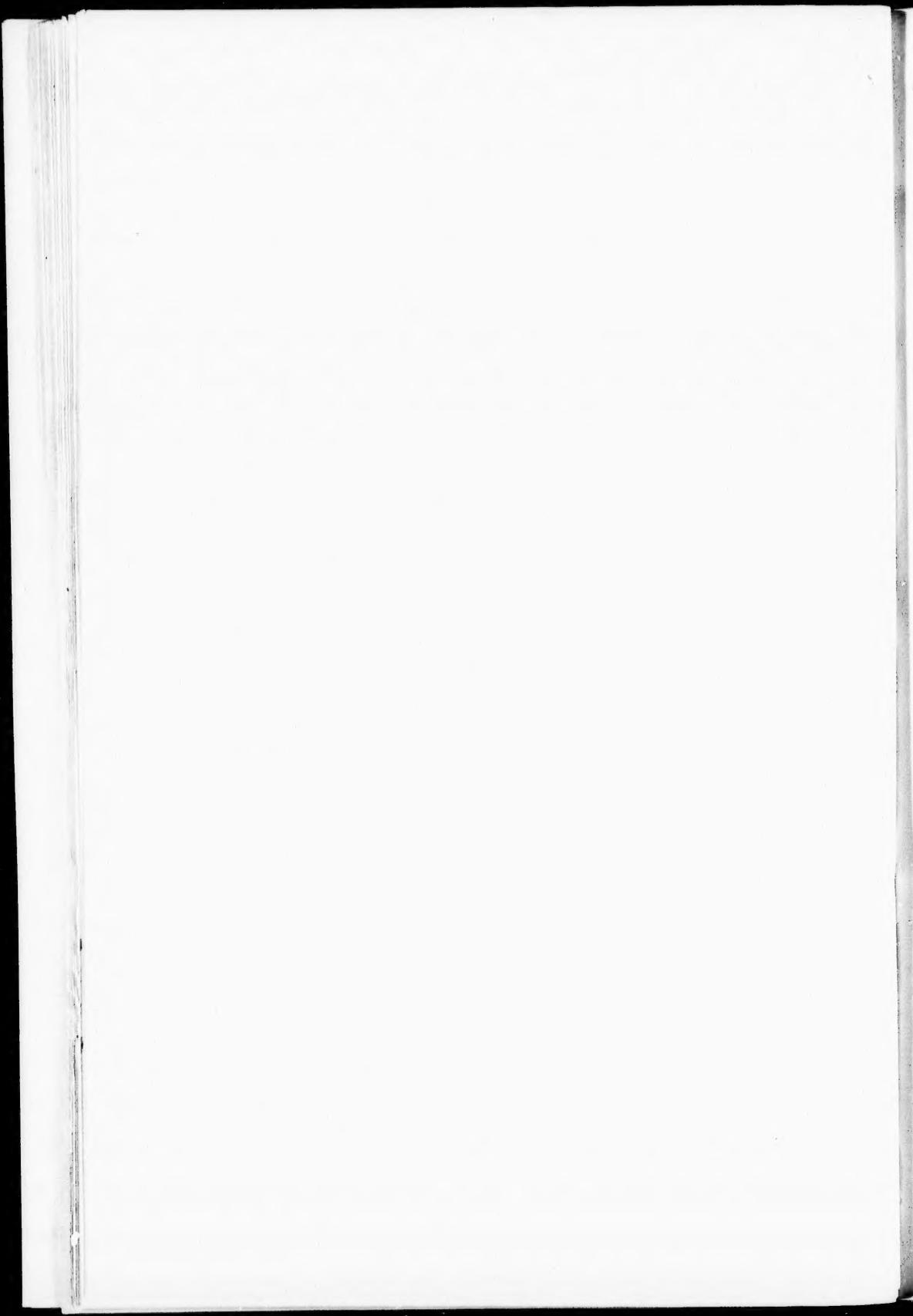
It is the part of the statesmanship not to force upon the people the views of any section, but to endeavour to bring them all to a uniform standard and conception of what is right.

And five minutes afterwards he came to the conclusion that

A time would arrive, some time, when you must legislate, and you must legislate for the majority and against the minority.

Again, he said that we were guilty of deception in the statement of the case which was submitted to the Judicial Committee of the Privy Council, inasmuch as we asked their opinion upon a state of assumed facts. Does the hon. gentleman deny the facts? Does anybody deny the allegations in the petition? Does anybody deny the broad statement of facts gathered together as the basis of an appeal to the law courts and carried through court after court, being dissected by lawyers on both sides, to the highest court. This was a legal phrase: "assuming the material facts to be as stated therein," which in reality declared that the facts are not in dispute, and after the criticism of counsel, the judgment of the Privy Council was given on them.

But at last the hon. gentleman tried to play the role of a martyr. He said that some one in ecclesiastical authority had written that if he would not vote for remedial legislation, he would subject himself to the animadversion of the church. I have not seen any Catholic mandament, no one has seen it; but if every man is to



make himself a martyr who receives a vigorous letter intimating that if he does not vote so and so on the question, he will have to meet with opposition from different sources, there are a great many martyrs on this side of the House, and a great many martyrs on that side of the House. There are ecclesiastical opinions, and ecclesiastical opinions, and there are also opinions which are not ecclesiastical, but which are being manufactured against us in the country and brought to bear on every independent member. We might all make ourselves martyrs if we wished to become martyrs every time we received a strong letter or strong resolution threatening us with pains and penalties if we did not do thus and so.

#### A Word to Conservatives.

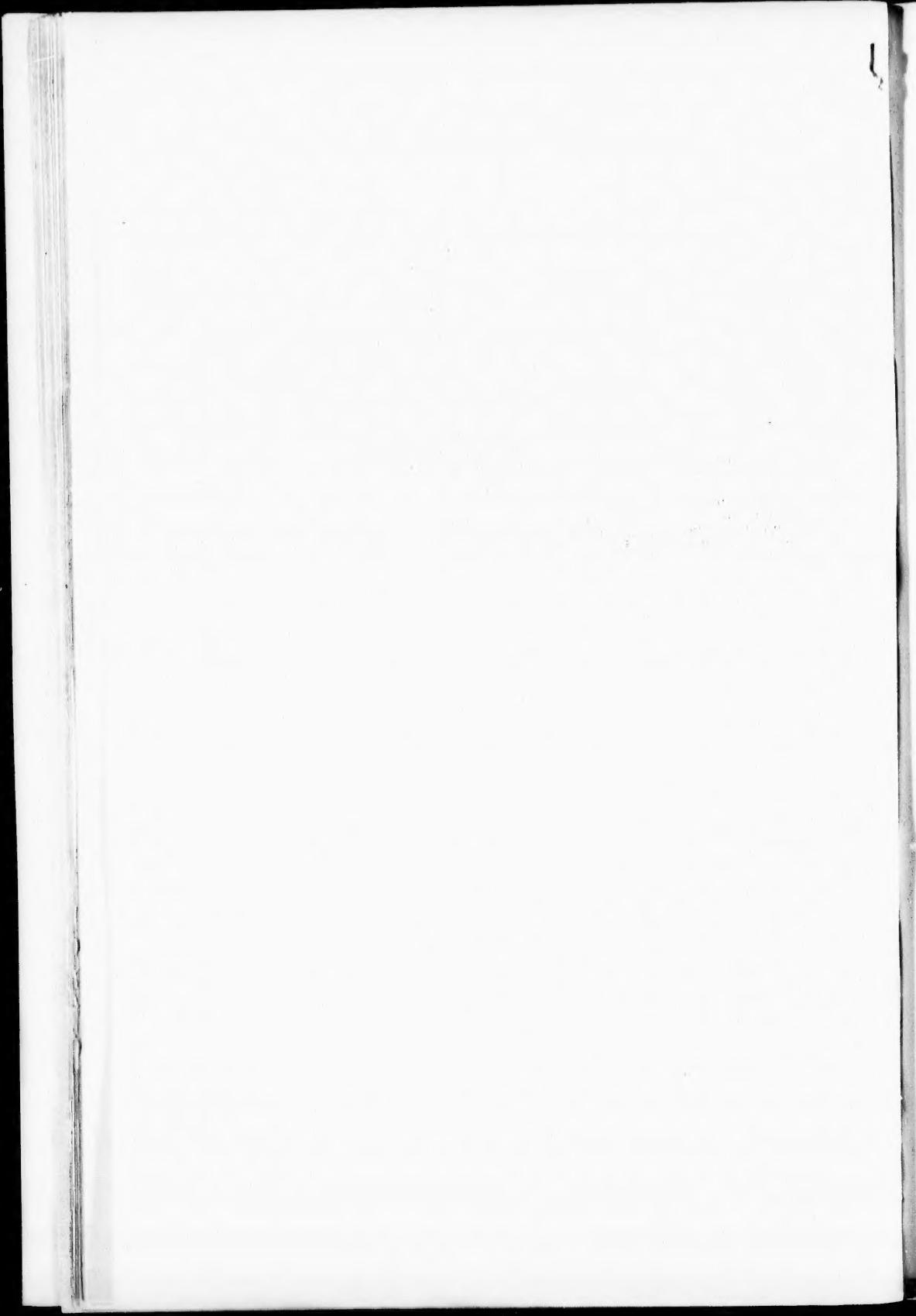
One word more, if you please, Mr. Speaker, and that is a word to the Conservatives in this House and outside of the House. My word to the Conservatives is simply this: For eighteen years we have supported a certain policy; we have given to it our means, we have given to it our energies, we have worked out that policy in the country, and we have during these eighteen years affirmed our full faith in the effects of that policy and its superiority to any other policy. For eighteen years we have seen progress and development in this country under that policy and under the administration of the Liberal-Conservative party, and we believe that a continuation on the same lines is the best for the future of this country. You see the compacts of 1867 and 1870 and know how they arose. They are written into the constitution, they face your Government as well as yourselves. They would have tested any Government that had been in power. You see the appeal, the decision, the grievance, the power of restitution defined by the highest court of the land. That highest court has remitted to your Government, which you have supported, a question which was not asked for by them; a something which arises out of the constitution, and by circumstances over which they have no control, this question was thrown upon them for solution. Are there not other portions of the Liberal-Conservative policy of some importance as well as this? Is it not well for Conservatives in this House, and outside of this House, to take the broader, and greater, and wider interests into consideration, and, at the same time, to ask themselves whether it is worth while, for a point of well-held sentiment, for a point, may be, even, of well-held principle on a single position, to go against the party and the policy which they have supported for eighteen years, and which they believe has been the best party and policy, and is to-day the best party and policy for this country.

You see the Liberal party utterly discredited in the country. You see that party without any policy which can appeal to the business interests and the solid common sense of the electors of Canada. You see that Liberal party to-day, marching up to a test before the people of this country, and their whole hope of victory—I say it earnestly and honestly—is that they may get into power, not because of the strength of their own arms and batteries, but because they hope for some desertions from the citadel of their opponents, which shall sally out to their help, and enable them to take the position to which they aspire.

What answer is it to the country's best interests, if we go back to them with a defeated policy and a defeated Government, putting into power a policy and a Government in which we do not believe, but which we do believe will not be for the best interests of Canada. If we have nothing to place against such action but this one question, upon which we hold honest beliefs, may be, we are not to some extent subordinate one opinion, strong though it be, for the greater good, the larger policy, the more valuable and the more precious interest of the whole. What will it have profited us, even we gain a point of sentiment or of principle in one respect; what will it have profited us, if we lose the soul of a progressive policy and a wise administration of affairs.

After six years, sir, we stand here under circumstances such as I have detailed. What is it, then, for this Parliament to do? On the one hand, there is a well-founded repugnance to interfere and do what, even though clearly within our right to do, the province can do more easily and far better than ourselves. There is along with that a number of subordinate reasons arising, either from considerations of principle or of personal concern, or of party interest, that tend to in leuce some to vote against this Bill and against remedial legislation.

On the other hand, what is there? There is the genius and spirit of the constitutional compact of this country. There is the splendid lesson of toleration and of compromise which has been read to you in that constitution, and which has been evidenced in its harmonious workings for nearly thirty years. There is the cry of the minority, small in the area of those who directly suffer, but large, let me tell you, in the area of those who sympathize with it in this country from one end to the other. There are the minorities in other provinces demanding of you where they shall stand, and how they shall be treated, if in future years their time of trial comes, and they will have to appeal to this same high court of Parliament, and invoke this same jurisdiction. There is the Parliament, Sir, invested, knowingly,



definitely, positively invested by the fathers of confederation in the constitution with the jurisdiction to maintain these rights, and to restore them if they are taken away. This Parliament is appealed to. It is watched by Canada, it is watched by the world. On grounds of courage, on grounds of justice, on grounds of good faith, make your answer to those who appeal, make your answer to Canada which is watching you, and to the world which will judge of your actions.

History, Sir, is making itself these eventful days. Shall the chapter be a record of nobleness and adequacy, or a record of weakness and inefficiency? Shall we stamp ourselves as petty and provincial, or shall we be recorded to future ages as magnanimous and imperial? Let us plant our feet in the firm path of constitutional compact and agreement, of good faith, and of honest, fair dealing. Let us take and pass on that gleaming torch of prudent compromise under whose kindly light the fathers of confederation marched safely through in times far more troublous and far less advanced than ours, into an era of harmony and continued peace.

Let us do justice to a weak and patient minority, and thus settle forever the question of the sufficiency of the guarantees of confederation. Let us follow with cheerful emulation the shining example of our great mother country, whose foundations were laid on the solid granite of good faith; and whose world-wide and wondrous super-structure has been joined together with the cement of a strong and generous toleration.

Let us prove ourselves now, in the thirtieth year of our existence, as in the stress of our natal days, a people fit for Empire, and worthy to rank amongst the best and greatest of nations.